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The “Revival” of PiS: The Transformation of Campaign Strategies from the Kaczyński Twins to Andrzej Duda

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Abstract: *The paper analyzes the campaign strategies of the “Prawo i Sprawiedliwość” (PiS) political party during the Polish elections from 2009 to 2020. It examines how the gradual modernization of communication strategies and the adoption of a less aggressive narrative contributed to the party’s revival after a decline in support caused by the political crisis of 2007 and the death of leader Lech Kaczyński in 2010. The research aims to identify the changes in campaigning that contributed to regaining electoral success since the 2015 national elections. The analysis is based on audio-visual materials produced by PiS for the elections during both the “crisis” period (2009-2013) and the “revival” period (2014-2020), allowing for a comparative analysis of the main changes between these two periods. Through content analysis of these materials, the study investigates the topics, genres, formats, national and European dimensions, personalization strategies, and use of negative advertising.*

Keywords: *Polish Elections; PiS; Campaigning; Visual Politics; Personalization; Audio-Visual; Political Communication; Propaganda*

INTRODUCTION

The political party “Prawo i Sprawiedliwość” (PiS) has experienced some phases of transformation as proved by the entrance of new political personalities within the party’s structure, e.g., Andrzej Duda as President, both Beata Szydło and Mateusz Morawiecki as Prime Minister, the re-defining of the political manifesto, and the use of a less “violent, nationalist, and conservative” narrative. The main changes have followed a period of crisis for the political party. The decline of consensus among the citizens and the loss of votes could be considered a result of a season of internal uncertainty within the party due to the unexpected death of its leadership, Lech Kaczyński, and the end of the “honeymoon” phase, which characterized the party from its founding in 2001 till the early collapse of the government that led to the anticipated elections in 2007.

The work aims to identify the main transformations of PiS campaigning strategies through the study of electoral campaign materials produced for the Presidential, Parliamentary, and European elections between 2009 and 2020, and the analysis is focused on the audio-visual materials. These messages are entirely managed by the parties or candidates, free from any manipulation by the mainstream “media logic” (Altheide and Snow 1979). They are also characterized by high adaptability and effectiveness on social network sites - which nowadays represent the leading platforms for political propaganda (Chadwick 2013).

Political advertising is a valid object to study political parties’ strategies, specifically topics, visual and aesthetic forms, languages and narratives, and personalization strategies, and



to investigate the historical and political contexts and the cultural and visual heritage in different countries (Kaid and Holtz-Bacha 2006; Veneti et al. 2019).

In line with this work's goals, analyzing the audio-visual materials produced by the PiS during the electoral campaigns allows us to outline the transformation of the PiS campaign strategies, which appear to have played a role in regaining success and support since 2015. The analysis focuses on propaganda videos spread via television (TV commercials) and social media and produced by PiS during two different periods: firstly, the years characterized by the decline of consensus and the fall of the PiS founders and leaders, Lech and Jarosław Kaczyński, namely the "crisis" period (2009-2013), and secondly the years marked by the beginning of a transition process and the advent of new candidates, Andrzej Duda, Beata Szydło, and Mateusz Morawiecki, namely the "revival" period (2014-2020).

The chronological analysis and the comparison between the campaign strategies used by PiS during these two dissimilar periods offer us an effective overview of the political party's transformations during the two decades analyzed. Moreover, using objects and methods of political communication and visual studies, specifically election campaigns and audio-visual propaganda, the work provides a new approach to observing the political, cultural, and social heritage of political parties and countries.

THEORETICAL FRAMEWORK AND METHODS

The analysis is focused on electoral materials, in particular on political advertising, which is defined as the communication process through which political candidates or parties get the opportunity to diffuse their political messages through the mass media to influence political attitudes, beliefs, or behaviors of the voters (Kaid 1981; Paletz and Vinson 1994). The spread of short, creative, and persuasive audio-visual messages by television can reduce the distance between politics and civil society, reaching voters directly in their "homes", persuading them with suggestive and emotional images, and giving them the role of "spectators" (Bodrato 1991). TV ads are considered the first form of "politics of the spectacle" characterized by spectacular narrative, aesthetic visual style, "common" language, and simplification of issues discussed. All these elements contribute to making politics more understandable and bringing the political system closer to the everyday life of citizens (Diamond and Bates 1984; Kellner 2017). As parties and candidates control political advertising and thus are not subject to manipulation by the media system and its professionals, it is a valid object for analyzing the political parties' communication strategies and electoral campaigning.

The transformations of political communication resulting from the advent of the web and the intensive use of the SNS have increased the interest in audio-visual materials (Bimber 2003; Chadwick 2013; Esser and Strömbäck 2014; Papacharissi 2016) and have stimulated some crucial changes in languages, styles, and rules of the traditional forms of political communication (Grabe and Bucy 2009; Veneti et al. 2019). Audio-visual propaganda seems to be experiencing a new significance, mainly because of the low production and dissemination costs, the possibility of creating original, unconventional, and innovative products, and equal access to these platforms for minor political forces.

The exponential increase in audio-visual materials' production, circulation, and consumption brings back some "older" questions and troubles. Should the electoral campaigns

be based more on the strategies and principles of marketing than on the political manifestos and candidates' competencies? Is there an "ethical problem" in giving images and emotions a dominant position at the disadvantage of arguments and issues? Is it "the best man" or "the most telegenic performer" who wins the election? (Diamond and Bates 1984).

The corpus comprises 128 audio-visual materials¹ produced by the PiS party during the Parliamentary, Presidential, and European elections from 2009 to 2020. The videos were diffused via televisions, official websites, and social network accounts.

Table 1: Number of Videos Produced for each Election by PiS from 2009 to 2020
(Source: Data collected by the author)

Year	Type of Elections	No. of Videos
2009	European	17
2010	Presidential	3
2011	Parliamentary	4
2014	European	13
2015	Presidential	29
2015	Parliamentary	21
2019	European	8
2019	Parliamentary	14
2020	Presidential	19
Total		128

The audio-visual messages are complex objects composed of a combination of different components and concepts, such as the verbal and non-verbal elements, the modalities for the building of a specific candidate's image, the defining of arguments, narratives, and the framing strategies (Kaid and Davidson 1986; Kaid and Johnston 2001). It is possible to catch this complexity and to observe the meanings of the audio-visual materials as a whole using the methods of content analysis, defined as a set of procedures that aim to deconstruct a complex object into more straightforward elements, i.e., the variables, which allow capturing its constitutive components (Benoit 2011; Krippendorff 2019). In his earliest reflections, Berelson (1952) considers content analysis as a research method that can describe the contents and meanings of a message in an objective, systematic, and quantitative manner. Thus, we can "interrogate" the objects of the research corpus with a single codebook that allows us to compare the various components, such as themes, genres, styles and languages, national and European dimensions, personalization strategies, and many others.

The codebook², created to analyze the audio-visual materials diffused by social media and televisions during the nine election campaigns in 2009-2020, includes 24 variables divided into three parts: basic information, content-related variables, and format-related variables.

¹The author collects videos browsing on the official website and official SN profiles (Facebook, Instagram, YouTube) of the PiS party. The corpus could be considered as the universe of cases.

²Besides the testing on some materials finalized to get strengths and weaknesses of the codebook, the validity is also evaluated by the comparison with other works focusing on the same goals: Holtz-Bacha, C., et alii. 2012. "Advertising for Europe. TV Ads during the 2009 European Election Campaign in Four Countries". *Nordicom Review* 33, no. 2: 77-92; Holtz-Bacha et al. 2017. *Political Advertising in the 2014 European Parliament Elections*. London: Palgrave

The first part collects the basic details related to each video, i.e., year and type of elections, length, and description; it is necessary to organize the entire corpus.

The second part gathers the content-related variables, such as the topic addressed (economics, labor, welfare, security, values, politics, immigration, environment, social issues), the evaluation of the European Union (criticism of EU policies, institutions, and its representatives), the general dimension of the message (national/European), the personalization strategy (presence of leader/candidate), and the negative advertising (presence of direct attack to national or European politicians/institutions/other representatives).

The third part collects format-related variables to analyze the aesthetic forms, styles, and languages of videos, in particular the tone(positive/negative), the purpose (acclaim/attack), the genres (program, biographical, talking-head, common people, testimonial, feeling good, negative), and the formats (graphic animation, historical/documentary, fiction, real life).

The content analysis of the 128 videos offers a comparative overview of the main trends, strategies, and aesthetic forms used by the PiS party in the European, Presidential, and Parliamentary election campaigns that took place in the period 2009-2020 and provides an analysis of the transformations occurred not only considering the evolution of the party, particularly its "crisis" and "revival" periods but also relating them to the Polish domestic context.

RESULTS AND DISCUSSION

The "Crisis" Period (2009-2013): The End of the Kaczyński Twins' Hegemony

PiS focuses the 2009 EPE campaign on the domestic context. The nationalist and conservative nature of the campaigning is finalized to preserve the national interests versus the European ones and to enhance Poland's political role in Europe. The most discussed topics are unemployment, the reform of the retirement system and public health, the modernization of the infrastructure thanks to the EU funds, the protection of the local economy, and the opposition to both euro and market liberalization. The economic crisis, which is a trending topic in the other member states (Mosca and Novelli 2010), is still marginalized in Poland since the national economy is among the least affected by the 2008 crisis (Szczurbiak 2010; Gagatsek et al. 2010).

Not being able to count on the figure of President Lech Kaczyński, who remains in office after the distrust of the PiS government, and neither on the "weak" figure of ex-Prime Minister Jarosław Kaczyński, the party urges new strategies to overcome the leadership gap and to re-establish its credibility. Thus, it uses a polarized narrative based on the opposition between the two main Polish political parties, the ruling party, "Prawo i Sprawiedliwość" (PiS), and the opposition party, "Platforma Obywatelska" (PO), and the negative campaign towards the members of the PO, notably Donald Tusk, Ewa Kopacz, and Bronisław Komorowski.

The two ads entitled "Yes, We Can't" and "A Yellow Card to the PO" (Figure 1) aim to criticize the action and credibility of the incumbent PO government by highlighting the "broken promises" of the 2007 electoral manifesto.



Figure 1: Video Produced for 2009 European Elections (Source: PiS 2009)

Images of supporters and voters who join events by waving a yellow card are central in evoking a feeling of belonging to a community, but also to foster confidence in the PiS party by comparing what the PO didn't achieve and what PiS could do for Poland. Several attacks addressed to Donald Tusk have a double purpose. He is the expression of the PO government as Prime Minister and the EU as part of the Polish political élite who supports and encourages relations with European institutions. Direct attacks are also used against other personalities, such as the German Chancellor Angela Merkel, the French President Nicolas Sarkozy, and the Russian President Vladimir Putin.

The emotion-based materials intend to affect the voters on an emotional rather than a logical-rational level. Only two videos in which Jarosław Kaczyński and PiS members present the points of the party's manifesto have an informative purpose. The simple and basic structure of the program and talking-head formats are balanced using animations and graphics, humor, and linguistic games, which make the narrative less "boring" and the personal attacks "softer".

The Presidential and Parliamentary elections are characterized by the rebuilding of Jarosław Kaczyński's image, which is even more necessary after the death of President Lech Kaczyński and his wife in the accident at the Russian Smoleńsk Airport occurred while traveling to Katyń for the commemoration of the 1940 massacre of Polish soldiers and citizens by the Russian services.

The Presidential election campaign is influenced by the "Smoleńsk effects" (Żukiewicz and Zimny 2015) that forced political parties to focus the campaign on issues, then limiting personal issues and attacks. As a result, candidates decide to avoid talking about the past but to focus on the future of Poland; to restrict the covering of foreign policy issues and the violent narrative, especially concerning Russia; to target attacks on policies and not on people, particularly about former President Lech Kaczyński out of respect.

Despite his earlier failures, PiS endorses Jarosław Kaczyński and emphasizes his image. The feeling-good ads point to the future and identify the "heroic" leader as a guide and a new opportunity to improve Poland and its citizens. The new strategy leads to a change in the relationship between the candidate and citizens: previously, the "distance" contributed to allocating authority and competence to the candidate, as confirmed by the "coldly", formal, and non-empathic talking-head ads; now, the leader seems to be closer to the citizens, and the "proximity" is reached through the common people ads (Figure 2).

Jarosław Kaczyński gives up the harsh and violent narrative to promote the image of a compassionate and kind leader - raising quite a few doubts about the credibility of his new soft communication strategy (Rosset 2011; Żukiewicz and Zimny 2015).



Figure 2: Video Produced for 2010 Presidential Elections (Source: PiS 2010)

PiS leaves this unusual *soft* narration at the next Parliamentary elections, refocusing the campaign on the “cultural war”, ethnoreligious nationalism, and xenophobia. The anti-European attitude and criticism of Putin’s expansionist ambitions are back (Tworzecki 2012), as is the negative advertising towards the PO government and the outgoing Prime Minister Donald Tusk. The PO-PiS opposition emerges from the polarization between modernity and tradition, influenced on the one hand by the escalation of the religious dimension of PiS, which highlights resistance to cultural and social modernization, and on the other hand, by the intention of PO to reinforce the role of Poland in the EU through a social and economic modernization (Szczerbiak 2013).

The “Revival” Period (2014–2020): The Transformation of the Campaign Strategies

The Advent of the New Leadership: Andrzej Duda

During the 2014 and 2015 elections, PiS began changing its communication strategies to overcome the crisis caused by the previous electoral defeats. Firstly, the candidacies of the “young” Andrzej Duda and the “woman” Beata Szydło for the 2014 EPE are crucial to give them visibility and to acquire consensus given the following national polls. Jarosław Kaczyński maintains his centrality, as emerges in many videos analyzed. He’s portrayed at rallies and conventions with many voters, evoking a sense of membership and cohesion within the party. PiS supports the new candidates through talking-head videos that emphasize their competence and reliability and are dedicated to economics, labor (Figure 3), and family (Figure 4). The campaign promotes the candidates and the electoral manifesto, opting for a simple narrative and realism. Thus, there is a lack of innovation regarding formats and topics.

Negative advertising is hardly used compared to the previous period, as is the presence of a few videos evoking the party’s conservative, religious, and traditionalist ideology.

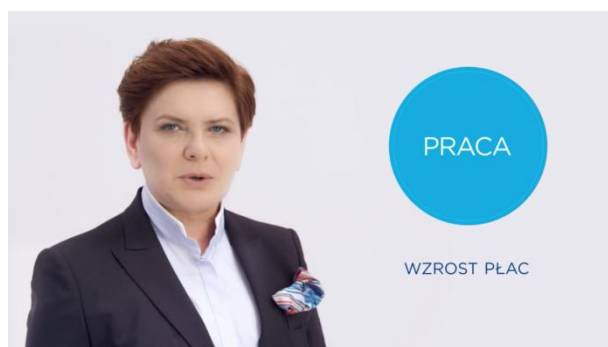


Figure 3: Video Produced for 2014 European Elections (Source: PiS 2014)



Figure 4: Video Produced for 2014 European Elections (Source: PiS 2014)

The European Union's issues are weakly covered, but the EU is mentioned regarding the Ukrainian crisis, which started with the Euromaidan protests on 21 November 2013. On one side, the PiS stresses the importance of European security because of Russian aggression against the neighboring countries. On the other hand, it demands new reforms to manage the arrival of Ukrainian refugees in Poland (Cichosz 2014; Sula 2014).

The efficiency of the new strategy was confirmed by the 2015 Presidential and Parliamentary election results, which marked the end of the party's "crisis". The "freshness" of the new candidates, Duda and Szydło, and the strategic use of social media play a central role in the party's modernization (Peszyński 2016). According to the so-called "contemporary authoritarian populism" (Inglehart and Norris 2017), PiS adopts an anti-establishment position, focusing the campaign on the preservation of national identity and traditional values, and stands up "for the people". The electoral debate is mainly centered around domestic issues, allowing the PiS to attack the activity of the previous government led by the PO. The leitmotifs for the campaign are both the opposition between the old politics embodied by the outgoing President Komorowski and the new politics embodied by the future President Duda, as well as the polarization realized by the clash between the dissatisfaction towards the old politics and the will for change expressed by the new politics. The comparative strategy is also used to contrast the images of the old and tired Komorowski with the young and energetic Duda, who becomes the symbol of the ongoing change (Fomina and Kucharczyk 2016). Duda's image is also supported by the presence of his wife, Agata Kornhauser-Duda, in some biographical

videos, where Duda is shown as a “common man” engaged in daily activities, such as walking in the park (Figure 5) and having lunch with his family, but also during public events and rallies (Figure 6). Whereas the earlier PiS strategies were focused on the political life of the Kaczyński twins to provide authority and credibility, now the party uses the private and common life to reduce the distance between the candidate and the voters.



Figure 5: Video Produced for 2015 Presidential Elections (Source: PiS 2015)



Figure 6: Video Produced for 2015 Presidential Elections (Source: PiS 2015)

In addition, Duda talks about economic growth, industry and agriculture, reforms, and employment in many talking-head videos with a black background where lots of data and overlay graphics are provided. These informative videos are very different from the emotional ones, where music, images, aesthetic forms, and symbols are more important than data. The migration issue aligns with the PiS rhetoric based on cultural and religious diversities, security and criminality, and control of national borders. Various symbols evoke national identity, including family and Christian values, national foods, traditions and folkloristic elements, landscapes and monuments, and cultural icons. Economic instability offers new opportunities to address young people and talk to them about new employment policies. The position on the EU issue is quite ambiguous because there is strong opposition to the eurozone and full support for the integration process and the membership, as stated in the slogan “Yes to Europe. No to the Euro”.

The candidacy of Beata Szydło in the 2015 Parliamentary elections is necessary to increase consensus and attract new targets, such as younger people and women. The unpopularity of the candidate protects her from attacks by political opponents, and the

promotion of its image and competence becomes the main campaign goal. The debate is issues-oriented, i.e., reforms for family, health services, and retirements, confirming the typical narrative frame of the PiS, such as national identity and sovereignty, traditions, and Christian values. The significant use of images of family, in particular the children with a direct recall of the social role of mothers (Figure 7; Figure 8), is a very efficient strategy in the presence of a female candidate who promises to develop a better country for the citizens of the future. Compared to the previous Presidential elections, there is a more extensive use of negative ads to highlight the incapacity and unreliability of the incumbent party, starting from the scandals involving the PO-led government.



Figure 7: Video Produced for 2015 Parliamentary Elections (Source: PiS 2015)



Figure 8: Video Produced for 2015 Parliamentary Elections (Source: PiS 2015)

The "Moderate Turn" and De-Radicalization Strategy

Despite the strong results in the Presidential and Parliamentary elections of 2015, PiS experienced a decline in support in the following years. Therefore, the 2015 and 2020 elections are crucial to test the transition from the Kaczynski twins' leadership to the Duda one.

The 2019 European elections have a national focus to probe the salience of specific issues and to identify the needs and attitudes of citizens. The European elections are considered a preparatory phase to the Parliamentary elections scheduled a few months later by both the political party and the voters, according to their nature of "second-order elections" (Reif and Schmitt 1980). PiS government decides to strategically implement "Kaczynski's five major

proposals” just in the run-up to the European elections, contributing to the campaign agenda (Zaręba 2019). Apart from the 2015 narration centered on the change, the campaign is focused on the concepts of unity and community, as emerges from the slogan “team of good change”, and on the preservation of the Christian values, traditions, and national identity, primarily through a solid opposition to the common actions within the migration crisis and an increasing criticism against EU institutions. The talking-head videos - a distinctive treat of the Duda and Szydło’s previous campaigns - are replaced by feeling-good videos. The soft narration contributes to underlining the party’s stability and strength and overcoming the PiS internal contrasts that might influence voters’ consensus. PiS exploits the Internet’s opportunities to use unconventional formats and languages, especially for negative ads. The “empty promises” campaign contains a series of attacks towards PO, including Ewa Kopacz, Donald Tusk, and the leader of the opposition, Grzegorz Schetyna, who was accused of breaking electoral promises and not defending national interests in the EU by the PiS.

The 2019 Parliamentary elections represent an unusual time for PiS because of its role as the incumbent party. The victory isn’t given due to several challenging situations, such as the strike of teachers demanding higher salaries, the protests of taxi drivers against Uber, the recurrent constitutional violations, the threats to the independence of the Courts, the control over the public media system, and the anti-liberal and anti-European positions (Markowski 2020). PiS attempted a “moderate turn” to contrast justice reform between the conservative government majority and President Duda and to de-radicalize the government by replacing Prime Minister Szydło with the Minister of Economics Mateusz Morawiecki in 2017. Partly due to his experience as President of the Bank Zachodni WBK (2007-2015), the new Prime Minister re-establishes relations with the EU, notably after the EU Commission initiatives to secure the rule of law of Poland and to face the Polish opposition over the non-compliance migrant intake quotas. The “Morawiecki Plan”, which aims to stabilize the economy through the equal distribution of resources and support for families on a geographical criterion, also contributes to the success of the new leading man.

As the incumbent party, PiS needs to leave the narration based on the past-future dichotomy, i.e., the campaign slogan “country in ruins” in 2015, and presenting the government activities and the consequent improvement of the country, as in the slogan “happy times for Poland” in 2019. Morawiecki is always accompanied by Jarosław Kaczyński, whose image becomes crucial to give confidence and credibility to the new candidate. This “marriage” is also expressed by the resumption of the 2019 “Kaczynski’s Five Proposals”, which became the campaign topic together with the “Morawiecki Plan”. Moving away from the family- and child-based narrative used by the predecessor Szydło, one of the campaign goals is to reach out to younger, moderate, and business-oriented voters. Additionally, according to the de-radicalization of the party, PiS doesn’t focus its audio-visual materials on topics such as abortion and civil rights, nationalism and religion, migration, and xenophobia. Videos aim to both inform and raise positive emotions. The use of the common people format contributes to fostering among citizens the idea of being directly involved in the country’s development and increasing the common sense of belonging to the nation (Figure 9; Figure 10). The attacks are addressed to the “coalition of chaos” led by the PO with criticism about the absence of a valid common electoral manifesto for this civic coalition.



Figure 9: Video Produced for 2019 Parliamentary Elections (Source: PiS 2019)



Figure 10: Video Produced for 2019 Parliamentary Elections (Source: PiS 2019)

Due to the Covid-19 pandemic, the 2020 Presidential elections occur under exceptional circumstances, and candidates have to face troubles in planning campaign activities considering the pandemic restrictions. Social media become the main channel for campaign activities, forcing candidates to follow its rules, styles, and languages (Piontek and Ossowski 2021). The challengers are the conservative and anti-European Andrzej Duda (PiS) and the progressive and pro-European Rafał Trzaskowski (PO). Even if the two candidates are younger and more energetic than their predecessors, a substantial difference emerges on issues and political visions. Duda represents himself as a defender of the traditional family and values, religion, and national identity; Trzaskowski promotes civil unions and LGBTQ+ rights, liberal ideals, and globalization. Civil rights became a central issue that polarised the election campaign, as they were perceived as a threat to the Christian-Roman tradition and the Polish identity, and at the same time as necessary for the social and cultural modernization of the country. Audio-visual materials focus exclusively on Duda's promotion. The presence of Kaczyński and Morawiecki is limited, as is the presence of the wife, Agata, who had an active role in the 2015 elections.

He is shown with celebrities and public and political personalities, i.e., Arnold Schwarzenegger, Donald Trump, Angela Merkel, and Xi Jinping, who empower Duda as the "defender of the Polish interest in the world". In feeling-good videos, the candidate presents himself as part of the community that supports him (Figure 11; Figure 12), and there is a continuous reference to the nation through folkloristic elements, monuments, cultural icons, and historical heritage.

Promoting nationalism and sovereignty, the main topics are the protection of national identity and borders from external threats and the rejection of the “others”, the “different”, and the “foreign”.



Figure 11: Video Produced for 2020 Presidential Elections (Source: PiS 2020)



Figure 12: Video Produced for 2020 Presidential Elections (Source: PiS 2020)

More changes are observed in the informative videos than in the formats used in the previous period. The talking heads are replaced by graphic-animation videos dedicated to the points of the “Plan Duda”, such as economic development, modernization, school reforms, health service, welfare, and family. The “Calculate simply, choose Duda” campaign shows how the PiS actions have improved the conditions of some citizens by displaying data and graphics. These emphasize the candidate’s and party’s competence and experience (Figure 13; Figure 14).

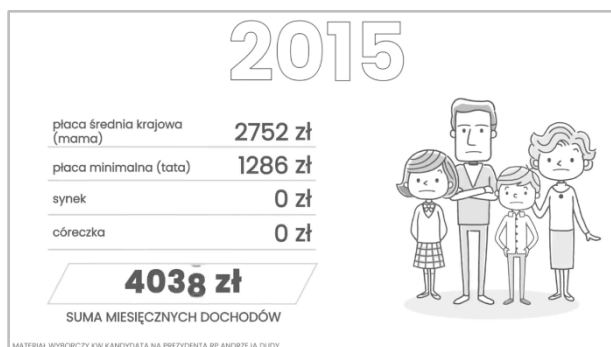


Figure 13: Video Produced for 2020 Presidential Elections (Source: PiS 2020)

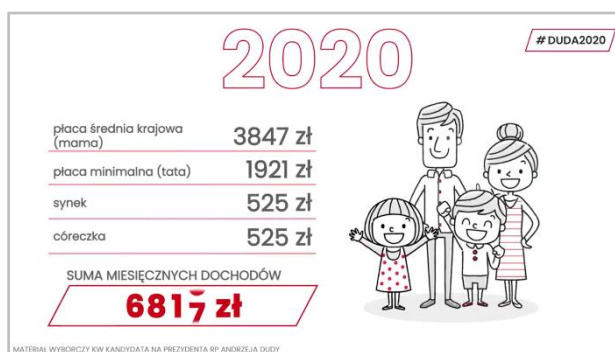


Figure 14: Video Produced for 2020 Presidential Elections (Source: PiS 2020)

Also innovative is the choice to attack and criticize the challenger, Trzaskowski, by letting the citizens speak. Using common people for the negative ads is a successful strategy because it makes the criticism more realistic, and Duda doesn't appear as the instigator of these attacks. The candidate establishes a new point of contact with the voters by including some calls to action to ask people to help him fight the hypocrisy of his political competitor.

CONCLUSION

The qualitative analysis of the audio-visual materials produced by PiS on the occasion of the European, Presidential, and Parliamentary elections from 2009 to 2020 reveals a series of transformations in the campaign strategies influenced by the country's historical, political, and social context.

The PiS success suffered a halt in 2007 when the dissolution of both Chambers of Parliament led to political "cohabitation". The 2009, 2010, and 2011 elections were held in the "crisis" period of the PiS (2009-2013), as demonstrated by the victory of the PO in the three consultations mentioned above and the attempt of the PiS party to regain the lost consensus, particularly after the death of the leader Lech Kaczyński in 2010. PiS campaigns are characterized by intensive negative advertising towards its most significant competitor, the PO, creating a marked polarization between the two parties, PiS-PO. In addition to the use of attacks, the presence of common people in many videos is also used to promote the candidate's image and to bring him closer to the electorate. The party leaves the unusual "soft" narration, a feature of the 2010 elections due to the Smolensk tragedy. It confirms his violent discourse and tone around topics such as migration, borders, national traditions, and identity.

The next elections are included in the "revival" period of the PiS (2014-2020). During the 2014 and 2015 elections, PiS started changing its communication and campaign strategies to overcome the crisis and the Kaczyński twins' hegemony. Although Jarosław Kaczyński is still the party's leader, maintaining his central role, new personalities appear in the Polish political scenario. The revival began with the candidacy of Andrzej Duda and Beata Szydło in the 2014 European elections before, and then respectively at the 2015 Presidential and Parliamentary elections. Both the candidates focus their campaign on the PiS political manifesto; in fact, they spread the idea of being able to improve the social and economic conditions of the country

through talking-head videos in which they explain how they want to manage specific issues, such as the economic plan, the labor reforms, and the family welfare. On the one hand, Andrzej Duda presents himself as a strong young man who can protect Poland's interests on a European and international level; on the other hand, Beata Szydło presents herself as a woman and a "mother" who intends to improve the country's conditions for the next generations as well.

Despite winning the 2019 and 2020 elections, the voting results show a widespread decline in consensus and, thus, a gradual strengthening of opposition political forces, i.e., the PO. These elections represent a chance to test the efficacy and validity of the new leadership, campaign strategies, governing actions, and political manifesto. The popularity of President Duda seems to have decreased yet, and the party is obliged to re-introduce the leader, Jarosław Kaczyński, to revitalize consensus and bring greater stability to the party. Videos focus on the political party, namely its membership and community, rather than emphasizing the leader's image. The lower personalization, the return of the negative advertising, and the use of a future-based narration contribute to handling attacks due to President Duda's position as an incumbent. Likewise, Prime Minister Beata Szydło no longer seems to benefit from the success achieved in the previous 2015 Parliamentary elections, and her replacement with Mateusz Morawiecki is necessary to maintain the stability and reliability of the PiS-led government. Even the many domestic concerns in the country, resulting in several strikes and protests against the PiS-led government, and the tricky relations with the European Union on issues such as justice reform, the rule of law, and civil rights impact the image of the outgoing Prime Minister Szydło. To soften the tone of the electoral campaign and to avoid increasing the hostility towards the leadership and government measures, the PiS party decided to use a less violent and hostile narrative, which could be considered a moderate turn, and to start a process of de-radicalization on issues like family, civil rights, and abortion.

While it is true that the analysis of electoral manifestos and leadership changes are valid elements to study the historical and political transformations of parties in the field of political and electoral studies, it is also essential to recognize that the analysis of campaign strategies within the field of political communication provides an insight into the scale of some transformations. The personalization strategies, the presence of negative advertising, the tones and narratives of messages, the formats and genres of electoral materials, and the topics on which campaigns are built contribute to delineating whether and how political parties try to overcome periods of "crisis", to appropriate new themes, to address new voters, but also to see if the transformation is "real" or whether it represents a strategic choice made during the election campaign to persuade undecided voters and obtain votes. As shown by the results of this work, that's precisely the case for the PiS party, which tries to overcome the loss of support by changing exclusively the genres and formats, tones, and frames of its campaigning, particularly the audio-visual materials analyzed. Instead of aligning its political manifesto, which seems to have remained unchanged over the years, with the new social, political, and economic demands and needs emerging in the country, the PiS party decided to modify the frames and tones of its messages and narrations. The changes in the party's leadership and candidates represent a way to reach out to different citizen-voters, in particular Andrzej Duda for young people, Beata Szydło for women, and Mateusz Morawiecki for "moderates"; the use of negative advertising, specifically *ad personam* attacks, plays a central role in the creation of a highly polarized campaign and a dichotomic narrative that impoverish and simplifies the political and

electoral debate. Through the candidacy of Jarosław Kaczyński in the 2023 Parliamentary elections, the PiS party gets back the "old" leadership. The very small difference in votes between PiS (35,38%) and PO (30,70%) and the success of the new political alliance PL2050 - KP ("Polska 2050" and "Koalicja Polska") - which aims to provide an alternative to the two main parties, the "Trzecia Droga" (14,40%) - launch a new period for the Polish political scenario and then for the PiS' campaign strategies.³

The analysis of PiS's electoral campaigns over the years shows that the change is not related to the manifesto points or the political-ideological dimension. Instead, it concerns only the narratives and tones of the messages. The transformation of the PiS party seems to be only a strategic feature, and this is one of the findings that should prompt us to consider the value of carrying out studies on the transformation and the evolution of political parties that consider both the categories of analysis typically used into the more strictly political field (i.e. manifestos, leadership, electoral results), as well as the ones related to the field of the political communication (i.e. campaigning, visual and symbolic elements, personalization, genres, negative advertising, frames).

³ The results of the voting of Polish elections reported in this article are available at the National Electoral Commission website: <https://sejmsenat2023.pkw.gov.pl/sejmsenat2023/en/sejm/wynik/pl> (Accessed: June 2024).

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Skilled Migration Before and During the Covid-19 Pandemic

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Abstract: *This article analyses the role of skilled migration before and during the Covid-19 pandemic, emphasizing the health sector. Using official statistics, it investigates the evolution of the migrant skilled professionals from this sector over the last decade and the difficulties they face in different European countries. A special analysis is devoted to recognizing and validating the professional credentials of migrant healthcare workers and their crucial importance nowadays. Some comparisons have been made between the health sector in the UK and Spain by pointing out the importance of foreign doctors and nurses in mitigating the pandemic's effect even during periods of lockdown and border closures. The conclusion of this research confirms the necessity of a collective and sustainable response to address the global shortage of health professional regulations and bureaucratic difficulties related to work permissions and authorizations in the post-Covid-19 recovery era.*

Keywords: *Covid-19; Essential Workers; Skilled Professionals; Health Sector; Recognition of Credentials*

INTRODUCTION

According to the UN International Migrant Stock, in 2020, Europe emerged as the primary destination, hosting 87 million migrants, which accounts for 30.9% of the global international migrant population (UN-IMS 2020; WMR 2022, 24), followed by Asia, North America, and Africa with 86 million (30.5%), 59 million (20.9%) and 25 million immigrants (9%) respectively. Since 2010, South America and the Caribbean have experienced substantial growth of international immigrants, up to 15 million (5.3%) of all international migrants in 2020. Finally, Oceania is home to around 9 million international migrants, 3.3% of the global population (UN-IMS 2020; WMR 2022, 24).

The number of immigrants from non-European countries in Europe by 2020 is presented in Figure 1. As can be seen, Spain, France, Italy, Germany, Netherlands, and Sweden are the countries where most immigrants outside the EU have settled during that year (Eurostat 2023a).



Figure 1: Number of Immigrants from Non-EU Countries in Europe by 2020 (Source: Eurostat 2023a)

In terms of absolute numbers, the largest populations of foreign-born citizens, hailing from both other EU member states and non-EU countries, by January 2022, were recorded in Germany, with 15.3 million individuals, followed by France with 8.7 million, and Spain with 7.4 million. In contrast, the lowest shares were recorded in Romania (1.7%), Poland (2.5%) and Bulgaria (3.2%) (Eurostat 2023a) (Figure 2).

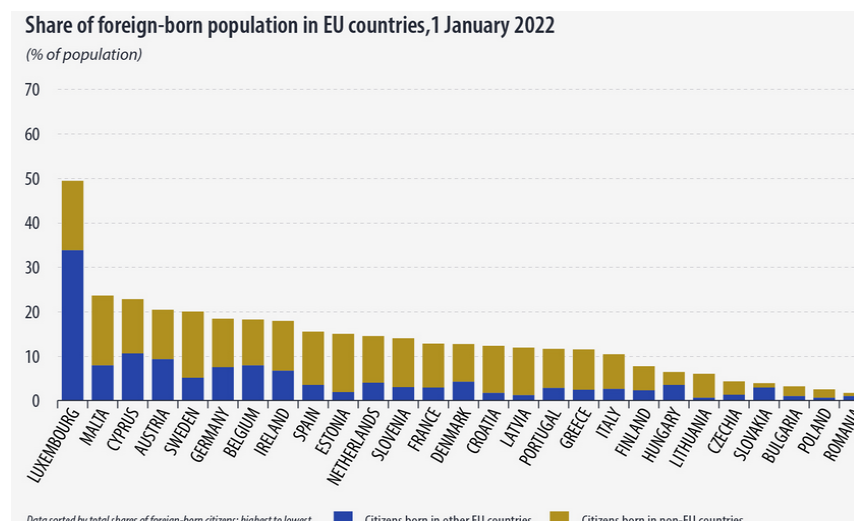


Figure 2: Share of the Foreign-Born Population in the EU by January 2022
(Source: Eurostat 2023b)

While skills and qualifications influence immigrants' economic and social integration, they do not necessarily guarantee successful integration or success in the labor market. Instead, they indicate immigrants' potential to integrate and fare well in the job market. Skills significantly impact immigrants' career trajectories and the types of jobs they secure (OECD 2018).

Highly skilled migration is a widely supported aspect of today's global immigration framework, with various initiatives aimed at attracting skilled workers from regions in the global south (Boucher and Cerna 2014; Weinar and von Koppenfels 2020). In recent years, Europe has notably intensified its efforts to attract and retain high-skilled migrants, viewing them as essential contributors to the "global race for talent" (Zorlu and Hartog 2008, 2-4). The focus has primarily been recruiting highly skilled migrants from outside the European Union (EU) to enhance competitiveness by expanding the talent pool (Platonova and Urso 2012; Dotsey 2023).

Important analysis refers to the perspective of developing countries in modeling the brain drain's effect on the host and home society by pointing out the social impact on the latter (Docquier and Rapoport 2013). A method of categorization has been introduced to account for the interactions between the market, the state, and the profession or industry (see Iredale 2008 and the references cited therein). Additionally, theoretical analysis has been performed, referring to the broader perspective of southern Europe, where mobility and new experiences are considered integral to one's professional identity (Triandafyllidou and Gropas 2014).

Challenges regarding the evaluation of skills and validation of qualifications apply to both migrants and refugees. Migrants can prepare for the qualification recognition process in

their chosen destination country. In contrast, refugees often depart without knowing their eventual destination. Consequently, they may be unable to carry all their academic credentials and may face difficulties accessing the relevant institutions in their host countries for document verification. As a result of challenges in having their qualifications, skills, and work experience recognized, numerous refugees and migrants often find themselves either unemployed or in jobs that do not fully utilize their abilities. Many highly skilled refugees and migrants are relegated to low-skilled, temporary, and poorly compensated positions. This situation represents a loss for the affected individuals, the receiving societies, and their economies (EC 2007).

Recognition of prior learning plays a crucial role in successfully integrating highly skilled migrants and refugees. Whether acquired through formal education or informal experience in previous job roles, the knowledge, and the skills migrants bring with them should be a focal point in assessing their suitability, inclusion, and assimilation into a new workplace, labor market, and society. Various policy measures and practical initiatives have been implemented to streamline labor market integration by formally acknowledging and validating prior learning experiences (Andersson 2020). The OECD (2016) has emphasized the significance of Recognition of Prior Learning as a crucial tool for facilitating the integration of migrants and refugees.

According to the latest World Migration Report (WMR 2022) of the foreign-born in the OECD countries, 37% are highly educated, which is a larger share than among the native-born (32%). Except for Iceland and the South American OECD countries, the proportion of highly educated immigrants has grown in all OECD and EU countries, rising by 7% over the past decade in both areas. The share of immigrants in highly skilled jobs has increased by over 2% in the EU and 3% in the OECD in the last decade. In most countries over the same period, however, the gap between the share of immigrants and the native-born in highly skilled jobs widened. Namely, “among highly educated immigrants, almost 16 million in the OECD and 5.5 million in the EU are either not in employment or in jobs for which they are over-qualified, i.e., almost 45% of the highly educated immigrant population in both areas, compared with 40% of the highly educated native-born in the OECD and 30% in the EU” (OECD 2018).

This paper aims to analyze highly skilled migrants before and during the Covid-19 pandemic, focusing mainly on skilled migrants from the health sector. The main interest is related to the evolution of foreign-trained doctors and nurses in the EU, the share of migrants among essential workers in the European health service, and the evolution of their recruitment and integration depending on the host countries’ specific needs, among others. The key question one wants to answer is: How has the Covid-19 pandemic highlighted the significant reliance on migration, especially from the healthcare sector?

Additionally, questions related to the challenges regarding the evaluation of skills and validation of qualifications for migrants and refugees, as well as aspects referring to actuation in future public health emergencies and the role of the skilled essential workers, have also been discussed.

METHODOLOGY

This paper is based on data gathered from a comprehensive review of existing academic and non-academic research publications and datasets, encompassing quantitative and qualitative statistics and data at the national, regional, and supranational levels. The research

primarily focuses on third-country nationals (non-EU citizens) and, whenever feasible, includes references to EU citizens who have relocated for work within the EU. The primary sources of datasets and quantitative statistics used were the Organisation for Economic Cooperation and Development (OECD), the International Labour Organisation (ILO), the International Organization for Migration (IOM) and Eurostat, among others. The latest World Migration Report, corresponding to 2022, is among the primary sources.

EUROPEAN ESSENTIAL SERVICES AND THE ROLE OF THE IMMIGRANTS

An essential worker is an employee who must continue working during a business shutdown to fulfill necessary operational tasks. This category encompasses professionals in health care, transportation, warehouse and delivery, emergency services, food and agriculture, the energy sector, and critical manufacturing (McNicholas and Poydock 2020; EIGE 2020; Coulson 2024). Especially during the Covid-19 pandemic, healthcare workers carried out essential tasks, including research and testing, caring for patients, and administering medication during a state of emergency. People, emergency services, and households must have access to food. Additionally, all workers producing and distributing electricity, petroleum, natural gas, and propane are deemed essential.

Within Europe, migrants have assumed a significant role in essential services, constituting 14% of essential workers, comprising 5% from EU countries and 9% from non-EU countries. Typically, major metropolitan areas boast the highest proportion of migrant essential workers, with migrants representing an average of 20% of all essential workers in such regions. Vital sectors such as distribution, food processing, and healthcare heavily rely on migrant labor, particularly in urban settings (Kleine-Rueschkamp 2020, 2).

The proportion of migrant essential workers and their countries of origin vary significantly across European countries. For example, in Luxembourg, these migrants represent up to 47% of essential workers, whereas in Poland and the Slovak Republic, they comprise less than 2%. Generally, the majority of migrant essential workers originate from non-EU countries. Nonetheless, in countries with a relatively higher influx of skilled immigrants like Ireland, Luxembourg, or Switzerland, two-thirds or more of migrant essential workers hail from EU countries (Covid-19 2021).

The proportion of doctors trained abroad varies significantly across OECD countries, ranging from less than 3% in some countries to approximately 40% in countries like Norway, Ireland, or New Zealand in pre-pandemic times. In Romania, the emigration rate is approximately one-third of all home-trained and native-born doctors (Scarpetta 2020, 2).

Finally, regarding the job quality of the Covid-19 pandemic essential workers, it has been recently discussed that during the pandemic, policy measures aimed at supporting essential workers failed to encompass all of them, excluding less visible groups who were not on the frontlines. To address labor shortages in critical occupations like health and care, these jobs can be made more appealing by enhancing job quality and aligning pay with societal value (Parent-Thirion et al. 2023).

SKILLED MIGRATION IN EUROPE BEFORE THE COVID-19 PANDEMIC

The general trends related to skilled migration in Europe are related to:

- The European Union (EU) Blue Card, which is a work and residence permit for non-EU/EEA nationals designed to attract highly skilled workers to Europe.
- The country-specific policies as different European countries have distinct policies and programs to attract skilled migrants. For instance, the United Kingdom has implemented various skilled migration schemes, including the Points-Based System.
- Information and Communication Technology (ICT) sector, where professionals have been in high demand across many European countries. Tech hubs, such as those in Germany, the United Kingdom, and the Nordic countries, attract skilled workers in the IT sector.
- Northern European countries which actively sought skilled healthcare professionals.
- European academic programs for researchers and academics. Programs like the Marie Skłodowska-Curie Actions (MSCA) or Erasmus in the EU aim to support international research and student mobility (Cerna 2018, 87-107).

An important initiative at the European level to encourage the influx of skilled foreign workers is the EU Blue Card (Directive 2009/50/EC), which applies to all EU member states except Denmark and Ireland. This initiative was launched due to the perceived limited success of national programs in attracting skilled foreign workers. The underlying idea was that providing a broader range of European labor market opportunities would enhance the continent's competitive advantage in attracting global talent. The EU Blue Card offers increased access to EU labor markets, mainly targeting highly skilled migrant workers such as engineers, scientists, mathematicians, IT specialists, physicians, and other healthcare professionals trained outside of Europe. Additionally, individual EU member states have implemented direct national measures to recruit skilled migrants actively, often through bilateral and multilateral agreements, as they strive to capitalize on the global talent competition (Cebolla-Boado et al. 2016).

The alignment of workforce education and training with the requirements of various occupations is crucial, as its success significantly shapes labor market outcomes, productivity, and economic growth. Overqualified or underqualified workers result in skills mismatch, imposing costs on individuals, businesses, and society. Overqualified workers often experience wage penalties, lower job satisfaction, and higher turnover rates than those whose qualifications match their job requirements. Persistent qualification mismatch can have long-term negative effects on workers' careers, a phenomenon known as scarring. First and second-generation immigrants are particularly vulnerable to skills mismatch, facing a higher risk than other groups (Groeneveld and Hartog 2004; Aleksynska and Tritah 2013; WEF 2014; Sparreboom and Tarvid 2017).

According to OECD data, numerous developed countries rely on migration to bolster their healthcare workforce, especially doctors and nurses. Figures 3 and 4 present the number of foreign-trained doctors and nurses in France, Germany, Italy, and the UK from 2010 to 2020.

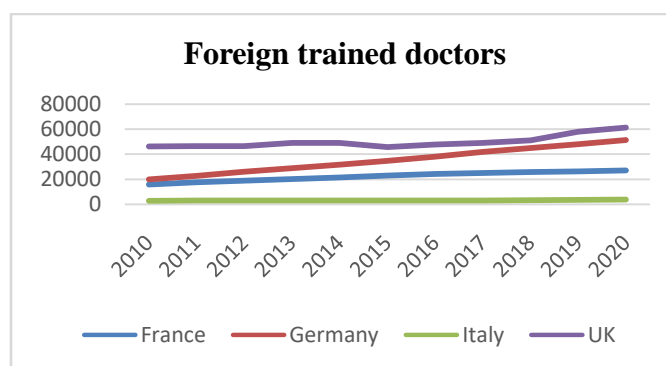


Figure 3: Number of Foreign Trained Doctors in Several European Countries 2010-2020
(Source: OECD 2023a; OECD.Stat 2024)

As can be seen in Figure 3, there is a significant rise in the number of foreign doctors, reaching more than 50,000 and 60,000 professionals in Germany and the UK in 2020. In the case of Germany, most of them come from European countries such as Romania, Greece, Austria, Poland, and Bulgaria, as well as from the Russian Federation, Egypt, Iran, Libya, and India. In the UK, they come predominantly from Ireland, Greece, Romania, Italy, and Germany, as well as from India, Pakistan, Nigeria, Egypt and Iraq.

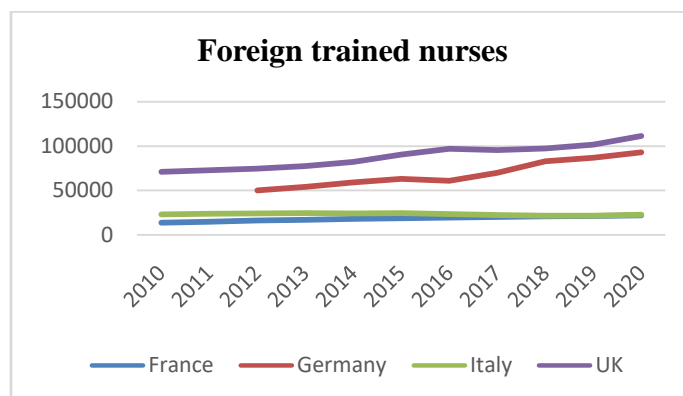


Figure 4: Number of Foreign Trained Nurses in Several European Countries 2010-2020
(Source: Kleine-Rueschkamp 2020; OECD 2023a; OECD.Stat 2024)

In contrast to the case of foreign doctors, the UK nurses' origin countries include Romania, Portugal, Spain, Italy, and Poland as European countries, and the Philippines, India, Nigeria, South Africa, and Zimbabwe as non-European countries of origin.

While the share of migrant workers in health care follows the share of migrants in the workforce across all areas, migrants play a disproportionately important role in critical parts of the health care system. For instance, 16% of medical doctors in cities are migrants. Meanwhile, non-EU migrant doctors tend to concentrate more in cities (decreasing from 16% in cities to 14% in rural areas), and doctors from EU countries are mostly outside cities (Kleine-Rueschkamp 2020; Covid-19 2021) (Figure 5).

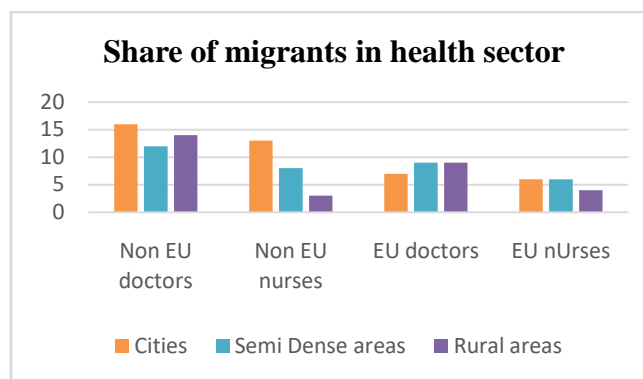


Figure 5: Share of Migrants Among Essential Workers in European Health Services in 2019
(Source: Kleine-Rueschkamp 2020, 13; Covid-19 2021)

It can also be noticed that foreign-born nurses, especially those from non-EU countries, primarily work in cities. For example, 14% of nurses in cities are migrants, compared to 3% in rural areas, respectively (Kleine-Rueschkamp 2020; Covid-19 2021).

SKILLED MIGRATION IN EUROPE DURING THE COVID-19 PANDEMIC: CURRENT PERSPECTIVES

The Covid-19 pandemic had a significant health impact in Europe, causing the premature death of nearly 800,000 people by the end of October 2021 in the EU/EEA. Additionally, the pandemic has disrupted access to essential non-Covid-19 medical services for numerous patients, particularly those requiring urgent care such as cancer treatment and mental healthcare. This disruption worsens socio-economic health disparities (State of Health 2022; Human Mobility 2024).

Throughout the first year of the pandemic, countries, territories, and areas worldwide implemented over 100,000 Covid-19-related international travel restrictions, along with ongoing internal movement limitations within their borders (WMR 2022; UN-IMS 2020). In 2020, global tourism plummeted by 75%, while legal immigration to certain countries decreased by half (WMR 2022; UN-IMS 2020). Furthermore, there were restrictions placed on asylum seekers, and refugee resettlement programs were halted. These measures severely affected the worldwide economy, causing shortages in labor and substantial financial setbacks, particularly in sectors like tourism and education.

Although many countries implemented bans on international travel during the early stages of the Covid-19 pandemic, there were some exceptions. Even in areas where strict lockdown measures were enforced, certain movements continued to ensure the ongoing supply of essential goods (such as food, medicines, and medical supplies) and services (including healthcare, food distribution, sanitation, postal services, and security). Those in lower-paying positions, often filled by migrant workers, found themselves on the “front line”, facing higher exposure to the virus. At the same time, higher-paid professionals had more flexibility to limit their movements (WMR 2022; UN-IMS 2020).

The pandemic has triggered unparalleled economic and social hurdles, shedding a perspective on the significance of services fundamental to local economies, such as food processing, delivery, and healthcare. The Covid-19 crisis has sparked a re-evaluation of essential services and the individuals employed within them, including low-skilled (jobs in sales and services), medium-skilled (clerks, craft workers, plant and machine operators, and assemblers), and high-skilled (including professional, technical and associated professional occupations). A dramatic situation has been observed in Spain, where the Covid-19 pandemic has had serious economic and health consequences due to the dependence of the productive system on sectors vulnerable to the pandemic, such as tourism and services (Pinilla et al. 2021).

The Covid-19 pandemic also strongly impacted migration due to the travel restrictions, border closures, and lockdowns significantly disrupting international mobility, affecting both skilled and non-skilled migration. Skilled migration, especially, faced challenges due to visa processing delays, uncertainties in the job market, and changes in demand for specific skills. The rise of remote work during the pandemic prompted a shift in migration patterns. Skilled professionals, particularly in IT and digital industries, explored opportunities for remote work and considered relocating to places with better living conditions (Cerna and Chou 2023). Specific sectors, such as healthcare, experienced increased demand for skilled professionals (WMR 2022; Scarpetta et al. 2020).

Foreign doctors and nurses are vital assets for healthcare systems. A substantial number of skilled and motivated healthcare workers is crucial for the effectiveness of any healthcare system, a fact underscored once again by the Covid-19 pandemic. The pandemic highlights the essential role and commitment of frontline healthcare workers. It emphasizes the persistent challenge of staff shortages and the considerable contribution made by migrant doctors and nurses to the healthcare workforce in many OECD countries. Consequently, these countries have implemented supplementary policy measures to facilitate their entry and expedite the recognition of their professional qualifications. In April 2020, the European Commission urged Member States to streamline border crossings for health professionals, enabling them to work in healthcare facilities across different Member States without hindrance.

Additionally, most OECD countries have exempted health professionals with confirmed job offers from travel bans. For example, in the UK, visas for doctors, nurses, and paramedics that were set to expire before 1 October 2020 have been automatically extended for an additional year. In France, foreign-trained health professionals who did not have a license could work in support roles in non-medical fields, while in Spain, the Ministry of Health had launched a coordinated action for the immediate hiring of foreign health workers willing to work in the country (Scarpetta et al. 2020).

As of March 2020, approximately 20% of National Health Service staff in England reported citizenship other than British (Baker 2023). Among doctors working in English hospitals and community health services, there has been a notable growth in the number of Indian, Egyptian, Pakistani, and Nigerian citizens. Conversely, there has been a slight decrease in the number of reported Greek, German, Romanian, and Polish doctors. Specifically, 18% of doctors (25,634) identified as having Asian citizenship, 8% (10,936) as having EU citizenship and 7% (8,909) as having African citizenship (Baker 2023, 15).

Regarding the official statistics offered by OECD Health Policy Studies, the dynamical evolution in the proportion of foreign-trained doctors in the UK decreased slightly between

2010 and 2015. Still, it has risen from 30.3% in 2019 before the Covid-19 pandemic to 31.9% % in 2021. A similar rise is also observed in Switzerland, where this proportion was 36.3% in 2019 and 38.4% in 2019 (OECD 2023a, 2023b; OECD.Stat 2024). Other OECD countries, such as France and Germany, have also observed a rise in this proportion, but less than 1%. The proportion of foreign-trained nurses in the UK shows a surge of more than 2% due to the pandemic being 15.4% in 2019 and reaching 17.9% in 2021. An increase of less than 1% has been registered in Germany, with 9% in 2019 and 9.6% in 2021 (OECD 2023a, 2023b).

Although Spain became an attractive country for foreign health professionals after 2020 (Villar 2022), the situation still differs from that of England. In 2023, the percentage of foreign-born doctors with non-Spanish citizenship was only about 14% in the Madrid region. These professionals mainly come from South American countries such as Cuba, Venezuela, Colombia, and Argentina. There are several reasons for this low recruitment, and the main one is the lack of flexibility to meet all the requirements to be considered suitable for work in the public health sector. One must have a residence and work permit, an approved degree to be registered at the Official College of Physicians of Madrid, and, if necessary, a specialty recognized in Spain. This doesn't seem functional as there is a current 20% deficit of family doctors and 30% of pediatricians in the Madrid region, with a special impact in the areas of the south and southwest of the region (Puentes 2023).

While the international recruitment of foreign health workers has been viewed as a temporary solution to address skills shortages in some countries during the Covid-19 crisis, it is not considered an efficient or equitable long-term solution as it fails to address underlying structural imbalances between the supply of and demand for health professionals depriving sending countries of essential health workers when they are facing major epidemics. Thus, a collective and sustainable response is necessary to address the global shortage of health care by reducing regulations and bureaucratic processes related to work authorization during the post-COVID recovery era (Hogarth 2021; King-Grubert 2024). Achieving these goals depends on sustained investments in improving education and training, providing appropriate support upon arrival, and enhancing the integration of migrants into the labor market. Thus, investing in the skills of local workers and attracting skilled migrants is expected to satisfy the labor market needs in longer-term periods.

CONCLUSION

The current paper analyses several aspects of skilled migration in Europe and the challenges regarding evaluating skills and the validation of qualifications for both migrants and refugees. The analysis primarily focuses on essential workers who played a crucial role during the Covid-19 pandemic, with health professionals being a significant part of this group.

The study examines the changes in the number of foreign-trained doctors and nurses in the EU, the proportion of migrants among essential workers in European healthcare, and the evolution of their recruitment and integration based on the specific needs of host countries before and during the pandemic. The importance of skilled migrants from this sector facing the necessities during the pandemic in an aging European population has been emphasized. Thus, the Covid-19 pandemic highlighted the significant reliance on migration, even during lockdowns

and border closures. An important conclusion of the paper highlights the increasing proportion of foreign-trained doctors and nurses in several European countries during the pandemic.

The study also poses serious questions on the actuation in future public health emergencies, which should include a clear communication of the travel regulations, brief and decisive border restrictions, lack of exclusion of vulnerable groups, as well as well-prepared systems in anticipation of future similar events (Benton and Huang 2024).

The unemployment levels resulting from the Covid-19 crisis pose challenges in addressing Europe's persistent skills and labor issues. Thus, an important recommendation refers to the recognition and validation of the professional credentials of migrant healthcare workers, which are crucial nowadays. This aspect, together with the intensive use of Artificial Intelligence, will pose several questions about the future of the work, especially related to the health sector and the role of highly skilled professionals in sustainable development.

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Maritime Security: The Pillar of India's IPOI in Southeast Asia and Its Implications for Vietnam

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Abstract: *This article analyses the maritime security pillar of India's Indo-Pacific Outlook Initiative (IPOI) in Southeast Asia and its far-reaching impact on Vietnam. The study utilizes the analytical framework of neorealism, liberalism, and constructivism to examine the objectives and intentions of India's IPOI and ASEAN's AOIP in the context of strategic competition in the Indo-Pacific. The author's findings reveal a significant convergence of strategic interests between IPOI and AOIP, which brings numerous and tremendous benefits to Vietnam, such as fostering the Vietnam-India comprehensive strategic partnership and equipping Vietnam to tackle challenges from the rise of China. The rise of China, strategic competition among major powers, and the increasing significance of the Indo-Pacific have spurred India and ASEAN to develop their visions to adapt to the Indo-Pacific concept. However, the implementation of IPOI in Southeast Asia still faces several limitations, primarily due to the divergent understanding and goals of IPOI, which places a premium on maritime security, and AOIP, which is more focused on naval cooperation. Furthermore, differences in the perceptions of India and ASEAN on maritime security also contribute to these limitations, highlighting the need for further research and development.*

Keywords: *Vietnam; India; Maritime Security; Indo-Pacific; IPOI; AOIP*

INTRODUCTION

Being one of the seven pillars of the IPOI, maritime security plays an essential role in India's security engagement with Southeast Asia through India's Act East Policy. Prime Minister Narendra Modi announced the IPOI initiative in November 2019 at the East Asia Summit in Bangkok, Thailand. Indo-Pacific Oceans Initiative or IPOI is an open, non-treaty-based initiative for countries to work together for cooperative and collaborative solutions to the common challenges in the Indo-Pacific. The idea was initially proposed by Indian Prime Minister Narendra Modi during the 14th East Asian Summit in Bangkok, Thailand, on 4 November 2019.

The Indo-Pacific Oceans Initiative (IPOI) is a cooperative effort among various stakeholders to tackle common challenges. It expands upon the "Security and Growth for All in the Region" (SAGAR) initiative launched in 2015 by the Indian government. IPOI is dedicated to enhancing maritime boundaries and fostering partnerships, strongly promoting free trade and sustainable resource utilization. It covers seven thematic areas: maritime security, maritime ecology, maritime resources, capacity building and resource sharing, disaster risk reduction and management, trade connectivity and maritime transport, science and technology, and academic collaboration (Indian Council of World Affairs 2022, 7).

Like IPOI, the ASEAN Outlook on the Indo-Pacific (AOIP) was embraced by ASEAN leaders at the 34th ASEAN Summit in 2019 in Thailand, which is seen as guidance for the engagement of ASEAN in the broader Asia-Pacific and Indian Ocean regions.



Indeed, the AOIP was formed as a strategic response to escalating geopolitical tensions and the growing influence of major regional powers (Lin 2024). Further, the AOIP affirms ASEAN's role in maintaining peace, security, stability, and prosperity in the Indo-Pacific region. It puts forward an open and inclusive dialogue and cooperation in the ASEAN's priority areas: maritime, economy, connectivity, and sustainable development goals (SDGs) (Kominfo 2023). To realize the critical elements of the AOIP, ASEAN will collaborate in a wide variety of domains, such as maritime cooperation, connectivity, sustainable development, economics, and other possible areas of cooperation (ASEAN Secretariat 2019a).

This article examines the convergence of maritime security in India's IPOI and ASEAN's AOIP. Both of these perspectives acknowledge the significance of maritime security as a critical focus area on their agenda and a crucial component of the collaboration framework in the Indo-Pacific region. This article examines the factors driving India and ASEAN to prioritize the maritime security pillar in regional cooperation. The article will analyze the convergence of interests of India and ASEAN in the maritime security realm despite the numerous challenges and obstacles faced by both IPOI and AOIP. The article additionally discusses and assesses India's IPOI implementation in Southeast Asia and its impact on Vietnam as a member of ASEAN and maintaining a comprehensive strategic partnership with India.

This article presents three main arguments. First, the evolving geostrategic landscape in the Indo-Pacific region, characterized by the emergence of China and India as major players and the strategic rivalry between the United States and China, has substantial implications. Second, India and ASEAN recognize the significance of aligning with the US Indo-Pacific strategy, thus placing great emphasis on maritime security. Third, Vietnam can strategically leverage its maritime security cooperation with India to effectively pursue its national interests by capitalizing on the opportunities presented by the IPOI and AOIP initiatives.

RESEARCH METHODOLOGY

The study used various methodologies such as analysis, interpretation, historical-logical methods, policy analysis, comparison, and statistics to elucidate the disparities between IPOI and AOIP. Furthermore, the study also employs a logical approach to effectively analyze and contrast the similarities and disparities between these two visions. This method will also elucidate the fundamental advancements of the issue, scrutinizing the shared characteristics and regulations of movement in the relationships among nations in the Indo-Pacific region. Specifically, it will explore the rivalry between major countries and the conduct of smaller and medium-sized nations.

This research utilizes original, primary, and secondary research documents. The data presented in this report are sourced from official documents and figures provided by the governments of India, ASEAN, China, the USA, and Vietnam. This will enhance the credibility of research evaluations. The study incorporates secondary sources to obtain comprehensive insights and viewpoints on the assessment matter, achieving a multi-faceted perspective in evaluating maritime security concerns. This includes considering the perspectives of India and ASEAN on maritime security, as well as the vision for the Indo-Pacific region.

THEORETICAL FRAMEWORK

This article employs a security analysis framework that focuses primarily on maritime security. The notion of maritime security is a comprehensive and universal concept that has yet to be unified. Christian Bueger argues that the concept of maritime security lacks a definitive definition (Bueger 2015). Basil Germond posits that maritime security can be comprehended as safeguarding the maritime sector, encompassing policies, regulations, measures, and activities implemented to ensure security within the maritime domain (Germond 2015). According to Indian scholars, maritime security encompasses various strategic concerns, including security measures, human safety, seaport security, anti-terrorism, and other related issues (Subbarao 2016).

Like the "maritime security" concept, the "regional security environment" concept lacks a precise definition. When discussing security, individuals frequently assert it to be countered in the absence - or at least unlikelihood - of threats to a particular object (Boemcken 2016). Some scholars argue that it represents the absence of acute threats to the minimal acceptable levels of the fundamental values that people consider essential to survival (Krause and Nye 1975). Arnold Wolfers (2011) defines security as the absence of threats to acquired values and the lack of fear that these values will be attacked. Every subject has core security attributes, such as national, personal, or collective security. The regional security complex (RSC) theory is frequently employed as a research framework for analyzing regional security. It elucidates the dynamics of international relations within a specific region, offering insights into the security landscape and revealing the evolving trends towards securitization reshaping the intricate region. It presents a regional security framework that facilitates the analysis, explanation, and prediction of the development of the situation in a specific geographical area (Sadurski 2022).

Strategic competition can be defined as rivalry between states, falling between cooperation and total war while remaining below armed conflict and violence. It encompasses various activities such as espionage, economic rivalry, theft of intellectual property, intense competition in cyberspace, imposition of sanctions, information operations, legal warfare, strategic military positioning, diplomatic and military threats, intimidation, promotion of alliances, and diplomatic maneuvering. According to Scott D. McDonald (2020), strategic competition refers to the active rivalry between nations that regard their fundamental interests as threatened by the opposing side. Strategic competition theory explicates the strategic interactions between the hegemonic and rising powers during the power transition process (Zhou 2019). Strategic competition is fundamentally a long-term contest between revisionist powers and those who wish to preserve the current international order's status quo (Paul et al. 2022). Competitors engage in activities to obtain an advantage in pursuing one of these long-term goals rather than engaging in isolated contests.

CHANGING STRATEGIC LANDSCAPE IN INDIA-PACIFIC

The Rise of China

Under the leadership of Xi Jinping, China advocates promoting the motto “Chinese dream” to realize the Chinese nation’s rejuvenation. In 2012, the Beijing government set an ambitious long-term goal: to build China into a fully developed and prosperous power by 2049 - that is, 100 years after the founding of the Republic People of China (PRC). The “Chinese dream” idea was put forward by the General Secretary of the Communist Party of China, Xi Jinping, at the 2013 National People’s Congress, emphasizing that the highest aspiration of the Chinese people is the nation’s revitalization (Kuhn 2013). The country’s economic development has made China seek to expand its influence in various regions and worldwide. China aims to find a way to replace the position of the number one super-power of the USA, establishing a new world order in the direction of equality with the USA. Thus, China, under Xi Jinping, has made its intentions clear with very ambitious initiatives and plans, including the Chinese Dream (Mohanty 2013), the Belt and Road Initiative (BRI) (Ohashi 2018), the Maritime Silk Road (MSR) (Chung 2018), the Infrastructure Investment Bank (AIIB) (Kaya and Woo 2021). To realize its ambitions, China has sought to expand its influence throughout the region and the world, thereby contributing to limiting US influence and moving to replace America’s leadership role in the world order (Hossain 2019).

Since the 18th National Congress of the Communist Party of China in 2012, the Chinese economy has quickly expanded, with its GDP growing from 53.9 trillion Yuan (about \$7.58 trillion) in 2012 to 114.4 trillion Yuan (about \$15.77 trillion) in 2021. Its share of the global economy has increased from 11.3% to 18.5%. Additionally, China’s gross national income per capita reached \$11,890 in 2022, twice the amount recorded in 2012. In 2012, the added value of China’s manufacturing sector was 16.98 trillion Yuan (approximately \$2.37 trillion). By 2021, it had increased to 31.4 trillion Yuan (approximately \$4.37 trillion), representing nearly 30% of the global total, an increase from 22.5% (Xinhua 2022). It is forecasted that by 2040, China’s GDP will reach about US\$70 trillion (35% of the world’s GDP), while the figure of the USA is US\$30 trillion (15% of the world) (Zhang 2016, 53). China has long been considered the “world’s factory”, with outstanding advantages in the number of suppliers, assembly lines, workers, and expertise. Many companies, especially “technology giants” such as Google and Apple, consider China their central production location. According to data released by the China Foreign Exchange Administration, as of December 2023, China’s foreign exchange reserves were \$3,238 billion (while US foreign exchange reserves reached \$240 billion) (SAFE 2024).

At the 5th Plenum of the 19th Central Committee of the Communist Party of China in October 2020, “dual circulation” was affirmed as a long-term economic development strategy, one of the basic principles in the Planning 14th Five-Year Development Plan and China’s Goals and 2035 Vision. The Silk Road Economic Belt and the Maritime Silk Road are components of the BRI initiated in 2013. Suppose the land belt includes the ancient Silk Road area as an extension and six major corridors connecting Europe with China. In that case, the Maritime Silk Road (MSR) creates a network connecting the three continents: Asia-Europe-Africa (Jiao 2013). Over 100 countries have expressed interest in participating in the BRI initiative. By mid-2020, China’s BRI

has attracted over 2,600 projects with a total investment capital of about \$3,700 billion (Holland and Faulconbridge 2021).

Militarily, China remains one of the world's leading military powers. In 2021, China announced its annual military budget increased by 6.8% to US\$209 billion, about 1.3 % of GDP. This number has grown continuously for more than 20 years, and China is also the second-largest military spender in the world (US Department of Defense 2021, 142). In 2022, China was ranked third out of 142 countries rated by Global Fire Power (GFP), behind only the USA and Russia, while India was ranked fourth (Global Fire Power 2022). Its defense budget is set to experience a modest increase, reaching a total of \$229 billion.

Moreover, to increase its military capabilities, China places great importance on enhancing the PLA and transforming it into a top-tier military force by 2049. The state media has reported that the defense budget increase is intended to modernize the PLA's operations. In an assessment of China's military potential, the USA's National Security Strategy 2022 states that China is the only competitor to the US with the intention and, to a greater extent, the ability to alter the international order (Biden 2022). A report by the US Department of Defense released in 2023 confirmed that China seeks to amass national power to achieve "the great rejuvenation of the Chinese nation" by 2049 and to alter the global order better to serve China's national interests and governance structure. It also states that China's ambition to reshape the international order stems from the Party's political and governing structure's goals and national strategy (Office of the Secretary of Defense 2023).

Under Xi Jinping's leadership, China's rise led to views that the era of American dominance had come to a close. China has emerged from the "Hide your strength, bide your time" phase to fortify its position by enhancing its soft power and broadening its global influence to supplant the USA as the world's dominant power (Godbole 2015). China's ascent will undermine America's dominant position and significantly weaken its influence in the post-Cold War global order. Of course, the increasing prominence of China causes the US and other countries to view it as a challenge and perhaps a threat to their interests, leading to skepticism regarding China's true intentions and ambitions (Christensen 2015). China is actively enhancing its logistics infrastructure and establishing military bases in foreign locations to expand its influence. China's "String of Pearls" strategy has created a network of Chinese commercial and military establishments and connections along its maritime communication routes, including the construction of new facilities in Djibouti, a country in the Horn of Africa, access to areas of the Ream Naval Base in Cambodia, and other locations in the Indo-Pacific (Wuthnow 2020). Further, China constantly pressures neighboring countries, makes unlawful and coercive claims in the South China Sea (SCS) (Kuok 2019), and causes tension on the border with many countries, typically India.

For India, the rise of China has specific impacts on this country's interests, even considered challenges, as the two nations have historically been seen as competitors. China's ongoing efforts to increase its influence in South Asia by investing in various infrastructure projects, such as roads, highways, railways, and sea defense, have impacted its interests and India's traditional sphere of influence in the region. India's dominant role and influence are overshadowed, disrupting the balance of power in China's pursuit of regional and global power. In recent years, there has been an intensification of the Sino-Indian rivalry and China's increasing threat to India's security (Sheikh 2023). India was compelled to implement strategic adjustments

in response to the emergence of China in the Indian Ocean, which threatened its security and interests in the Western Indian Ocean (Hazra and Bhaskar 2023).

The Act East Policy of India serves as a mechanism to counterbalance the influence of China in the Indian Ocean and to encourage the country to strengthen its cooperative relationships with East Asia and Southeast Asia. In light of the USA's free and open Indo-Pacific strategy, India has endorsed establishing a rules-based order and the region's freedom of navigation (Bratton 2023). China's activities in the East China Sea and the SCS have caused concern among neighboring Southeast Asian countries and Japan, giving rise to the "China threat theory" (Meng 2017). The rift in Japan-China relations has long been affected by historical issues and continues to be affected by the dispute surrounding the Senkaku/Diaoyu islands. There is still China's anti-Japanese sentiment with the perception that Japan is part of the US strategy to contain China. For Beijing, the formation of the QUAD and the Free and Open Indo-Pacific Strategy (FOIPS) of the US and Japan are evidence that the West and Japan want to restrain China (He and Li 2020).

Strategic Competition in the Indo-Pacific

The US-China rivalry is a competition for leadership between a hegemonic but declining power and a rising power that wants to transform the pre-existing international order into a multipolar direction. The USA's approach stems from the belief that maintaining an international system in which independent and sovereign states compete against each other based on a common set of rules ultimately serves the interests of the US even though states sometimes disagree with each other and even compete with the US (Shaw 2004). The US-China strategic competition is evident during the term of President Trump's administration. Washington sees China and Russia as "rivals" and "threats" to US interests and even considers "strategic competition" to be the biggest threat to US security in a broader strategic space of free and open Indo-Pacific.

Since the Trump administration, China has been viewed as an "adversary" that could threaten US interests over the next decade (Bush 2017). The Biden administration still stances against China, referring to China as a "most serious competitor" (Churchill 2021). In other statements, China is even regarded as a "serious challenge" by Joe Biden (Klar 2019) and a "geostrategic challenge" by Secretary of State Antony Blinken (De Luce and Williams 2021). In the Interim National Security Strategic Guidance (Biden 2021), the US considers China the only competitor able to consistently combine its economic, diplomatic, military, and technological might to threaten an open and stable international order (Biden 2021, 8). Secretary of State Blinken even stated that the US-China relationship should be "competitive when it should be, collaborative when it can be, and adversarial when it must be" (Blinken 2021). The Russia-Ukraine war has made the US-China competition even fiercer, not only between the US and China but also between the US and Russia.

For itself, India is continually enhancing its relations with large and mid-range countries, including the USA, Japan, and China, by joining the Quad group (QUAD) to contain China. Conversely, India is a member of the Shanghai Cooperation Organisation (SCO), which China established, and the BRICS group (Ahmed et al. 2019), but it declined to participate in the RCEP led by China. At the same time, India sought to enhance its relationship with Japan to deal with

China, as China has fortified its economic influence in the Indian Ocean by fostering relations with Pakistan, India's regional rival. In return, the Modi government deployed its "neighborhood policy" to manage relations with China, guaranteeing its role and influence in the South Asian region to counteract China's policies (Das 2016).

The dispute between India and China around the Galwan Valley in June 2020 made India feel uneasy about the threat from China. In the BRI initiative (BRI), China has enacted a strategy to create the China-Central Asia-West Asia Economic Corridor, China-Pakistan Economic Corridor, and Bangladesh-China-India-Myanmar economic corridor (Jinbo 2022). Among these, the China-Pakistan Economic Corridor (CPEC) is located in South Asia, stretching about 3,000 km from Kashgar in China to Gwadar in Pakistan (Khan et al. 2020). India regards these economic corridors as a challenge to India's national interests, causing India to become even more apprehensive about the growth of China's influence in the region.

To deal with China, India also strengthens its defense potential to deal with challenges and threats by importing weapons from Russia and the US. During Indian Prime Minister Narendra Modi's visit to Washington in June 2023, the Biden administration agreed to jointly produce military jet engines and ammunition technology and sell advanced drones to India for surveillance activities. To balance China's expanding influence in the region, India also became a member of the Indo-Pacific Prosperity Economic Framework (IPEF) and announced the India-Middle East-Europe Economic Corridor at the G20 Summit in India on September 2023 (Suri et al. 2024). The Sino-Indian competition in South Asia is mainly expressed in the following points: 1) the "all-weather" strategic partnership between China and Pakistan; 2) the increasing close ties between China and other South Asian countries; 3) China's "strategic encirclement" the IOR (Pardesi 2021).

With China's influence in South Asia, India has improved relations with neighboring countries, including improving relations with Pakistan, through easing restrictions on the exchange of people and goods at Kashmir; resolving the issue of border demarcation with Bangladesh; strengthening strategic partnership with Afghanistan (Hussain and Jamali 2019). China's strengthening of relations with South Asia (Bangladesh, Sri Lanka, Afghanistan, Myanmar, and Pakistan) is considered by India to be China's strategic plot to restrain China under the so-called "String of Pearls" strategy in the Indian Ocean (Brewster 2018). The rivalry between India and China is also reflected in drawing these countries into their sphere of influence.

Meanwhile, the Sino-Japanese competition is quite complicated because of many historical issues, as well as the rise of China, which has had a substantial impact on the security and strategic environment surrounding Japan. China sees Japan as its rival in East Asia and competes to expand its influence in East Asia (Wirth 2009). Meanwhile, China sees the US-Japan alliance as aiming to encircle and contain China (Berkofsky 2022). However, China also wants to expand and maintain good relations with Japan because it needs a peaceful environment to develop, serving its goal of "the rejuvenation of China" (Carrai 2021). China needs capital and modern technology to develop the country and enhance its regional position. Therefore, China's policy towards Japan is to seek advantage, restrain, cooperate, and fight with each other. In recent years, Sino-Japanese relations have had many tensions, especially around the sovereignty dispute over Diaoyu Island (Senkaku), which Japan claims under its sovereignty. In addition, China often strongly criticizes Japan for its right to collective self-defense and Japan's building

of the potential of the Japanese self-defense force to protect the country and confront new challenges in the region.

The Growing Role of the Indo-Pacific

For Washington, the Indo-Pacific is an important strategic area for the USA. This area stretches from our Pacific coast to the Indian Ocean and is home to almost two-thirds of the world's economy, seven of the biggest militaries in the world, and more than half of all people on the planet (The White House 2022). This region is home to approximately 38 nations, which comprise 63% of the world's GDP and accommodate 65% or 4.3 billion of the world's population. In reality, this region is the site of over 50% of the global maritime commerce. An essential development in the Indo-Pacific region for the USA has been the increased vigor of intra-regional partnerships among the region's countries and with extra-regional actors to counteract China's growing influence (Bhowmick 2021).

The US goal of a vision for the Indo-Pacific region represents the goal of building this place into an open, peaceful region in which countries are strong, independent countries, and prosperous (US Mission to ASEAN 2020). A free and open region will also help the USA maintain a liberal order, project its power outside the region, prevent the rise of a dominant power, and compete with the US in the Indo-Pacific region. Moreover, the US attaches importance to the Indo-Pacific region to emphasize India's significant role in a geostrategic location in the Pacific, East Asia, and Southeast Asia (Wong 2018). The Trump administration's vision for the Indo-Pacific region embodies three fundamental principles: maintaining unimpeded free trade, building a rules-based order, and appreciating the centrality of ASEAN (Pitakdumrongkit 2019).

Under the Biden administration, the US prioritizes the Indo-Pacific region's significant role. The Biden administration's Indo-Pacific strategy continues to strengthen the US's position in the Indo-Pacific region while strengthening the entire region. The strategy's primary focus is sustainable and creative cooperation with allies, partners, and institutions within and outside the region. The strategy's primary focus is sustainable and creative cooperation with allies, partners, and institutions within and outside the region. According to the USA's Indo-Pacific strategy announced on 12 February 2022, the USA will pursue the goal of building an Indo-Pacific region: free and open, connected, prosperous, secure, and resilient. This strategy also regards the importance of India as a like-minded partner in South Asia and the Indian Ocean, supporting its role as a net security provider (The White House 2022).

For India, New Delhi sees the Indo-Pacific as vital to its national interests and prosperity since it is a traditional area of influence. US strategist Alfred Thayer Mahan believes "Whoever controls the Indian Ocean dominates Asia" (Bajpai 2019). Indeed, India's interests are closely related to the interests of the Indian Ocean. This is the area where India can project its hard and soft power to ensure India's leadership role and influence in the region and neighboring countries (Scott 2009). The US's emphasis on the Indo-Pacific region makes India a "natural ally" of the US and forces the country to adjust its strategy towards the Indo-Pacific region (Pande 2018). India is determined to play an important role in the Indo-Pacific strategy and is a catalyst to shape its strategic vision. Several reasons are contributing to this change in India's perspective, including the change in the country's economic development strategy, the

geopolitical changes of the IOR and India's desire to become a regional power; China's penetration into the Indian Ocean; and the US Rebalance to Asia (Mann 2017).

However, one of the primary drivers behind India's strategic shift can be attributed to the influence of China. China's unprecedented economic rise and growing military power have transformed India's threat matrix. China is challenging India's interests in its periphery in various ways. Therefore, managing the strategic challenge from China has become a top priority in India's foreign policy. Due to the power asymmetry with China, India has strengthened quadrilateral security cooperation between the US, Japan, and Australia by reviving the QUAD (Kaura 2019). India's rapid modernization of its naval capabilities and expansion of maritime interests is related to two factors: 1) the rise of China as an "Asian power" with increasing influence in the IOR; 2) India's aspiration to become a leading country in the IOR while expanding its influence in the Pacific. India's increased engagement in the region and its strategic partnership with the US will strengthen India's footprint in the Indo-Pacific region (Sana and Akhtar 2020).

Meanwhile, Japan has been using the term "Indo-Pacific" for a long time since the 2010s, and it became popular after the US announced its vision for the free and open Indo-Pacific (FOIP). In 2016, Prime Minister Shinzo Abe introduced an innovative concept known as the FOIP in Kenya in August 2016. Indeed, Japan aims to promote regional stability and prosperity by enhancing connectivity between Asia and Africa in the Indo-Pacific region (Japan Ministry of Defense 2024). The content of Japan's IPOI strategy was then gradually concretized into three pillars, which are the promotion and establishment of the rule of law, freedom of navigation, and free trade; pursuit of economic prosperity (e.g., improving connectivity); and commitment to peace and stability (Japan Ministry of Foreign Affairs 2017). From Japan's perspective, the Indo-Pacific region is the epicenter of global vitality and is home to over half the global population. Therefore, it is imperative to ensure this region's stable and autonomous development to ensure the world's stability and prosperity. The Free and Open Indo-Pacific vision aims to promote the prosperity of the entire region and enable free and robust economic activity throughout the Indo-Pacific.

In the Indo-Pacific strategy, former Prime Minister Abe committed to strengthening the strategic partnership with India as an essential pillar. Japan has also sought to enhance its relationship with the USA, QUAD, ASEAN, the EU, Britain, and France. In addition, Japan focuses on investing in infrastructure to meet the needs of both the construction and development of infrastructure projects in Asian countries while also bringing profits to Japanese manufacturing enterprises. In February 2022, Japan announced the "Asia-Japan Investing for the Future" initiative to significantly expand investment opportunities across the ASEAN region. Japan has focused on free trade cooperation with ASEAN based on four pillars: "Partners for Peace and Stability; Partners for Prosperity; Partners for Quality of Life; and "Heart-to-Heart Partners" (Japan Ministry of Foreign Affairs 2022). In March 2023, Japan announced a new plan for a "free and open Indo-Pacific" in which it proposed four new pillars for its Indo-Pacific strategy: principles for peace and rules for prosperity; addressing challenges in an Indo-Pacific manner; multi-layered connectivity and extending efforts for security and safe use of the sea to the air (Japan Go 2023).

In the context of the US launching the Free and Open Indo-Pacific (FOIP) strategy, the role of ASEAN has been highlighted as a center of the FOIP. Within the FOIP strategy framework,

ASEAN is a critical player, central to US efforts in advancing the stated goals, including the freedom of the seas, market economy, respect for an order based on unambiguous and transparent rules, and good governance. ASEAN is even regarded as the heart of the Indo-Pacific, playing a central role in the Indo-Pacific vision (Pompeo 2018). Under the Biden administration, the US security strategy for Southeast Asia led by ASEAN is placed within the overall US strategy for the free and open Indo-Pacific region. The ASEAN-centered regional architecture helps the USA push to shape the promotion of a rules-based order in Southeast Asia, from which it can put pressure on countries seeking to change the status quo of the regional order. A solid and unified ASEAN will have great potential and benefits for the US in pushing back and containing China.

IPOI'S MARITIME SECURITY PILLAR IN SOUTH EAST ASIA

Convergence of Interests Between IPOI and AOIP

In his speech at the Shangri-La Security Dialogue held in Singapore in 2018, Indian Prime Minister Modi emphasized several points about India's Vision for an Indo-Pacific region. Accordingly, India advocates promoting a free, open, and inclusive region with Southeast Asia as the center of the Indo-Pacific and ASEAN as the core (Ministry of External Affairs 2018). The Modi government also emphasized the pursuit of a "rules-based order" common to the whole region, equal access to the common spaces at sea and in the air following the provisions of international law (Ungku and Kim 2018), and rising above divisions and competition through the pursuit of partnerships. Thus, by attaching importance to the centrality of ASEAN, India has demonstrated the goal of reducing China's importance in the new framework because Beijing has always considered the US vision to be aimed at containing China.

Prime Minister N. Modi announced the IPOI initiative in November 2019 at the East Asia Summit in Bangkok, Thailand (Ministry of External Affairs 2019). Accordingly, the main objective of IPOI is to ensure the maritime sector's safety, security, and stability. It is also a way for India to build and develop a cooperation mechanism with other countries toward free, open, inclusive, and rules-based order. IPOI focuses on seven pillars, including 1) maritime security; 2) maritime ecology; 3) maritime resources; 4) capacity building and resource sharing; 5) disaster risk reduction and management; 6) science, technology, and academic cooperation; and 7) trade connectivity and maritime transport (Ministry of External Affairs 2020). To implement the IPOI, India established the Indo-Pacific Division (IPD) in the Ministry of Foreign Affairs in 2019. Its mission is to handle issues related to Indo-Pacific cooperation, strengthening India-ASEAN relations, the East Asia Summit, the Indian Ocean Rim Association (IORA), Asia-Europe Meeting (ASEM), Mekong-Ganga Cooperation (MGC), the Ayeyawady-Chao Phraya-Mekong Economic Cooperation Strategy (ACMECS) (Ministry of External Affairs 2020).

ASEAN's release of a Free and Open Indo-Pacific concept significantly impacts the region, especially amid the heightened US-China strategic competition. This competition is marked by the US initiating a trade war with China and considering Beijing a strategic competitor. Some countries like Singapore and Indonesia have supported the Indo-Pacific framework proposed by the US in Southeast Asia. In contrast, other countries such as Malaysia, Laos, and Cambodia seem absent. Vietnam also initially maintained a cautious attitude but did

not publicly mention this vision. Instead, Vietnam adheres to ASEAN principles and advocates a rules-based order in the region. Even so, to adapt to the changing US policy and the regional context, ASEAN must also respond not to adjust to the present but also to respond to security challenges, such as territorial sovereignty disputes, China's militarization activities in the SCS as well as the reality of maritime security being threatened by non-traditional security issues such as piracy, maritime terrorism, etc.

Meanwhile, the ASEAN Outlook on the Indo-Pacific (AOIP) was officially announced at the 4th ASEAN Summit held in June 2019 (ASEAN Secretariat 2019b). Due to the region's sensitivity and ASEAN's relations with China, the AOIP only emphasizes economic cooperation and fundamental common issues facing the region in the context of competition between great powers and the release of the USA's Indo-Pacific strategy. The AOIP outlines four main objectives: 1) towards the prospect of cooperation in the region; 2) promote an environment of peace, stability, and regional prosperity in addressing common challenges, maintaining a rules-based order and promoting closer economic cooperation, thus strengthening trust and confidence; 3) strengthen ASEAN's Community-building process and further strengthen existing ASEAN-led mechanisms, such as the EAS; and 4) implement and explore other priority areas of ASEAN cooperation, including maritime cooperation, connectivity, the Sustainable Development Goals (SDGs), economics and other possible areas of cooperation (ASEAN Secretariat 2020).

Based on the content of IPOI and AOIP, it can be seen that these two visions of India and ASEAN have mutual convergence in interests and definite similarities such as the centrality of ASEAN, the predominance of dialogue and cooperation instead of rivalry; the pursuit of peace and stability as a prerequisite for prosperity; the pursuit of inclusive development and prosperity for all; the criticality of the maritime domain; the primacy accorded to inclusivity, openness, and transparency; the indispensability of a rules-based framework; the essentiality of an abiding respect for sovereignty; the importance is given to complementarity with existing ASEAN-led cooperation-frameworks (Chauhan et al. 2020, 14). If IPOI emphasizes the issue of "maritime security", AOIP focuses on "maritime cooperation". From India's perspective, maritime security refers to threats such as maritime disputes between nations, maritime terrorism, piracy, maritime crimes, drug trafficking, illegal fishing, weapons trafficking for maritime use, and environmental crimes at sea. Therefore, ensuring maritime security for India means ensuring that India's seas are peaceful, eliminating any insecurity related to the above-mentioned maritime zones.

Meanwhile, AOIP's maritime cooperation pillar manifested more inclusiveness than IPOI's maritime security. As stipulated in the AOIP, areas of maritime cooperation may include expanding cooperation on sustainable management of marine resources; strengthening capacity to combat illegal, unreported, and unregulated (IUU) fishing; protecting the livelihood of coastal communities; supporting small-scale fishing communities, promoting maritime commerce, expanding efforts to protect and conserve marine environments, and improving maritime domain awareness. Moreover, it enhances maritime cooperation through ASEAN-led mechanisms by protecting freedom of navigation and overflight. It also stresses the need for peaceful conflict resolution based on internationally recognized legal principles, such as the UN Convention on the Law of the Sea (UNCLOS 1982) (ASEAN Secretary Indonesia 2023). The differences in the maritime security pillar of IPOI and maritime cooperation in AOIP are shown in Table 1.

Table 1: Comparison of IPOI's Maritime Security and AOIP's Maritime Cooperation (Source: Chauhan 2020)

Sectors	ASEAN Outlook on the Indo-Pacific (AOIP)	Indo-Pacific Oceans Initiative (IPOI)
Maritime Cooperation	Freedom of Navigation and Overflight	Maritime Security
	Peaceful Dispute-settlement	
	Promote Maritime Connectivity	Capacity Building and Resource Sharing
	Promote Maritime Commerce	
	Address Transnational Crime (e.g., trafficking in persons or illicit drugs, sea piracy, robbery and armed robbery against ships at sea, etc.)	
	Develop a Blue Economy	Maritime Resources
	Sustainable Management of Marine Resources	
	Address Marine Pollution	Capacity Building and Resource Sharing
	Mitigate impacts of Sea-level Rise	
	Tackle Marine Debris	
	Preserve and Protect the Marine Environment and Biodiversity	Maritime Ecology
	Promote 'Green' Shipping	Capacity Building and Resource Sharing
	Protect the Livelihood of Coastal Communities	
	Support Small-scale Fishing Communities	
	Technical Cooperation in Marine Science Collaboration (R&D; sharing experience and best practices, capacity-building, managing marine hazards, raising awareness on marine and ocean-related issues, etc.)	Science, Technology, and Academic Cooperation

Deploying the Maritime Security in IPOI in Southeast Asia

For India, maritime security is an important facet of India's relations with ASEAN countries. Since implementing the "Look East Policy", India has shown an interest in building a maritime security architecture with Southeast Asian countries. Thus, India advocates bringing together the states involved in a more prominent security architecture in Asia. India also helps ASEAN nations develop their maritime capabilities through training, search, and rescue assistance. India, Malaysia, Singapore, Thailand, and Indonesia have actively participated in the Indian Ocean Navy Symposium (IONS) since its inception in 2008. In addition, defense cooperation between India and countries such as Laos and Cambodia through training programs. Meanwhile, India trains pilots and engineers for Vietnam and Malaysia and cooperates with Indonesia in the maritime field.

The Indian and Thai navies have conducted coordinated patrols (CORPAT) along the international boundary line at sea (IMBL) twice yearly. Meanwhile, India, Thailand, and Indonesia's navies also conducted joint patrols in the Andaman Sea to enhance coordination and prevent illegal activities. The 38th India-Indonesia Joint Patrol was conducted from June 13-24, 2022, in the Andaman Sea and the Strait of Malacca. This patrol is part of the SAGAR initiative to strengthen regional maritime security (Business Standard 2022; Indian Ministry of Defence 2022). Every year, India conducts maritime exercises with many regional countries to enhance maritime security. With Vietnam, India regularly has defense interactions at the highest level and has had port visits by Indian ships to various Vietnamese ports. India has also sent senior naval personnel to participate in the Regional Cooperation Agreement to Combat Piracy and Armed Robbery Against Ships in Asia (RECAAP) program in Singapore and established a

Cooperation Center. Indian Navy Information Office for the Indian Ocean Region (IFC-IOR) at Gurugram, where Singapore also has a liaison officer.

In November 2017, India conducted a joint naval exercise with Myanmar. In 2018, India joined the Samudra Shakti joint with Indonesia. These exercises strengthened bilateral relations and promoted mutual comprehension and interoperability in maritime operations between the two navies. The training will also provide an appropriate platform to share best practices and build a common sense of maritime security operations. Exercise Samudra Shakti 2022 took place in the Sunda Strait, between the Indonesian islands of Java and Sumatra.

Moreover, India has conducted naval exercises with Singapore (SIMBEX) and Malaysia (PASEX). Likewise, India undertook a maritime exercise in the SCS with the US, Philippines, and Japan navies in May 2019. India, Singapore, and Thailand naval exercises took place in September 2019. India-US military exercise 'Tiger Triumph' was conducted in November 2019 off the coasts of Visakhapatnam and Kakinada. In addition, India signed agreements on mutual logistical support with Singapore in 2018 and Australia and Japan more recently in 2020.

In relations with the Philippines, India, for the first time, recognized the legality of the 2016 Permanent Court of Arbitration ruling in The Hague, supporting the Philippines' sovereignty claims in the SCS against China. India will also provide a preferential credit facility to the Philippines to purchase Indian defense equipment to help enhance maritime domain awareness. Meanwhile, India-Indonesia defense relations flourished in 2018 when Prime Minister Modi visited Jakarta and elevated the two nations' partnership to a comprehensive strategic partnership. The same year, India and Indonesia launched a naval exercise, Samudra Shakti, with a combat element. Since then, the two navies have conducted four exercises, the most recent in May, prioritizing anti-submarine operations. The Indian Navy has continued to support Indonesia in humanitarian and disaster relief operations, especially after the Sulawesi earthquake and tsunami hit Palu in 2018.

India is also cooperating with Malaysia, another nation embroiled in a dispute with China over the SCS, based on an enhanced strategic partnership signed in 2015. In 2022, Jaishankar and Singh met their Malaysian counterparts and expressed their desire to deepen the bilateral cooperation. India's strategic partnerships with Singapore and Thailand are also very close and long-lasting. Singapore regularly participates in bilateral exercises, high-level dialogues, visits, and professional training with India. Modi visited Singapore twice in 2018. During his first trip, he signed 35 memorandums of understanding on various security and economic issues. For example, he signed a logistics agreement to promote bilateral naval cooperation and many agreements related to human resource investment. During his second visit, Modi attended the India-ASEAN summit, emphasizing New Delhi's importance to the region.

In May 2023, the ASEAN-India multilateral maritime exercise (AIME), co-organized by the Singapore Navy and the Indian Navy, showed that the parties increasingly emphasized maritime cooperation. The overall objective of the ASEAN-India Maritime Exercise is three-fold: first, to achieve the highest level of coordination with ASEAN countries in the maritime domain for facing non-traditional threats and for coordinated rescue and relief operations; second, to build their defense capabilities by making them aware of new operational maneuvers; and third, to support the ASEAN countries in obtaining the latest advanced platforms, which India is producing. This is aimed at diversifying their imports of defense equipment.

This step will result in India's significant development of maritime cooperation with ASEAN countries and ensure regional peace and security (Pradhan 2023).

In September 2023, India and ASEAN issued a joint statement on maritime cooperation reaffirming their commitment to promoting the ASEAN-India Comprehensive Strategic Partnership, elevating maritime security cooperation to a top position. The statement also affirmed the promotion of an Indo-Pacific region that embraces ASEAN Centrality, openness, transparency, inclusivity, a rules-based framework, good governance, respect for sovereignty, non-intervention, complementarity with existing cooperation frameworks, equality, mutual respect, mutual trust, mutual benefit and respect for international law, including, the UN Convention on the Law of the Sea (UNCLOS 1982) (ASEAN Secretariat 2023). Regarding the SCS, India has also supported free maritime trade and reiterated that disputes should only be resolved through dialogue. India and many other dialogue partners strongly criticize any use or threat of force. Enhanced India-ASEAN naval cooperation benefits India's defense exports, as many countries have expressed interest in purchasing Indian weapon systems. While the Philippines has purchased the BrahMos Missile System jointly developed by India and Russia, Vietnam and Indonesia are also negotiating with New Delhi about purchasing an anti-ship missile system (Suri 2023).

IMPLICATIONS FOR INDIA-VIETNAM TIES

India and Vietnam established full diplomatic relations in 1972, and the relationship has grown considerably since then. In 2003, the two countries elevated their ties to a comprehensive partnership. In 2007, both sides agreed to elevate their relations to a strategic partnership and continuously upgraded to a comprehensive strategic partnership in 2016, in which defence-security is a crucial pillar. The India-Pacific Ocean Initiative (IPOI) announcement by India in 2019 further strengthened the cooperation between India and Vietnam in some aspects.

First, it increases the possibility of cooperation between India, ASEAN, and Vietnam regarding maritime collaboration and security. The IUU is an urgent issue among ASEAN member countries in the SCS. IUU harms the interests of coastal states as well as the common interests of the international community. IUU directly reduces the catch value that a coastal state can make. Data sources from the European Union (EU) estimate that IUU fishing activities account for 19% of the total annual world fish catch, equivalent to 10 billion Euros (SFPA 2024). At the 18th ASEAN-India Summit in October 2021, India and ASEAN issued the ASEAN-India Joint Statement on Cooperation on ASEAN's Vision on the Indo-Pacific for peace, stability and prosperity (ASEAN Secretariat 2021). To deal with IUU, ASEAN and India support the implementation of Maritime Domain Awareness (MDA) programs. India also considered integrating the Center for Information Integration's MDA cooperation into the Indo-Pacific Initiative (IPOI) to cooperate with ASEAN, especially in the pillars of security or maritime connectivity (Saha and Mishra 2020; Singh 2022). The long-lasting situation of illegal fishing damaged Vietnam's economy and created many consequences for social life. According to statistics from the Ministry of Agriculture and Rural Development of Vietnam, as of June 2022, 32 cases involving 52 ships and 453 Vietnamese fishermen were arrested and handled by countries for illegal fishing (Tung 2022).

Second, strengthening cooperation between India and ASEAN in maritime security will also help improve Vietnam's maritime capacity. India has given Vietnam defense credit packages worth 100 million USD (in 2014) to help Vietnam buy 12 high-speed patrol boats and 500 million USD (in 2016) to buy military equipment from India. Since the 1990s, more than 1,000 Vietnamese officers, including 16 pilots and more than 500 naval officers, have attended courses at Indian army, navy and air force training facilities. In 2016, India announced a US\$500 million credit line for defense cooperation to help Vietnam strengthen its defense and security capabilities (The Express Tribune 2016). Indian Prime Minister Narendra Modi also pledged to provide Vietnam with another US\$5 million to develop a military software park at the National University of Telecommunications in the province of Nha Trang (Hoai 2021). In August 2019, India initiated a project to build 12 speedboats for the Vietnam Coast Guard within the India-Vietnam high-speed patrol ship project framework to deal with security challenges (The Times of India 2022).

Third, the two sides engage in the annual Defence Policy Dialogue Mechanism and have completed 13 sessions. Defense cooperation between the two countries has been significantly enhanced in all three military branches: sea, land, and air force. The collaboration has been concentrated on the areas of training, the defense industry, and visiting ships. The two sides also regularly conduct joint military exercises that turn into training and capacity-building activities, including a joint naval exercise in 2018, 2019 (VNA 2019); the PASSEX exercise in the SCS (2020); joint exercises in the SCS in August 2021 (PIB 2021); a multilateral maritime exercise Milan in February 2022 (VNA 2022); The 3rd Ex VINBAX 2022 exercise in August 2022 at Chandi Mandir military zone, Haryana state, Northern India (VOV World 2023); the VINBAX exercise in December 2023; the MILAN exercise in February 2024 (Government News 2024). This exercise aims to enhance communication and cooperation during war or humanitarian relief. The two also signed a Memorandum of Understanding on Logistics Support, simplifying each other's procedures for efficient logistics support (PIB 2022).

Fourth, promoting increased maritime security cooperation between India and Vietnam contributes to protecting Vietnam's territorial sovereignty in the SCS and protecting Vietnam's economic interests in the SCS in the context of China's militarization of the SCS. Indeed, deploying IPOI's maritime security pillar further helps India and Vietnam find common ground in dealing with China's territorial ambitions and its "String of Pearls" strategy. In principle, India supports the freedom of navigation in the SCS, upholds the principle of a rules-based order, and peacefully resolves territorial disputes in the SCS. China's coercive behavior has recently challenged India's energy projects with Vietnam. The Indian oil and gas company ONGC Videsh Limited (ONGC-VL) has operated in Vietnam since the 1980s with the Vietnam PetroVietnam (PVN). This cooperation also gives India many advantages as its economy depends on energy imports from outside, especially from the US and Russia. India has also repeatedly objected to China's public criticism of the cooperation between India and Vietnam to jointly conduct oil and gas exploration activities in the SCS, especially after the two oil and gas groups ONGC-VL and PVN signed cooperation agreements to explore Blocks 102/10 and 106/10 of PVEP and Block 128 of ONGC-VL in Vietnam's continental shelf.

CONCLUSION

The changing situation in the world and the region has impacted the policy changes of India and ASEAN towards increased cooperation. Both have a potential convergence of strategic interests when it comes to strengthening the pillar of maritime security. Between India's Indo-Pacific Initiative (IPOI) and ASEAN Outlook on the Indo-Pacific (AOIP), there is a resonance of interests in promoting maritime security in the region. However, India and ASEAN still face difficulties and challenges in finding an effective cooperation mechanism and ensuring harmonious relations with China. The increased cooperation between India and ASEAN in maritime security contributes to promoting cooperation between India and Vietnam while helping Vietnam improve its maritime capacity to deal with the security challenges of sovereignty from the rise of China. It will also help strengthen the comprehensive strategic partnership between India and Vietnam. While IPOI emphasizes maritime security, AOIP focuses on regional maritime cooperation. As a rising power, India has sought to promote maritime security, which plays an essential role in ensuring India's maritime security and its environment in the Indo-Pacific region.

The deployment of India's maritime security content in areas affected by the Chinese factor is due to Southeast Asia becoming an area of strategic competition between major countries. This is also a sensitive relationship between ASEAN and external partners, including the US and China. The challenge also comes from the difference in India's and ASEAN's perceptions of maritime security issues. While India views maritime security as a matter of ensuring national security and a military issue, ASEAN countries see maritime security as a common security challenge that needs to be resolved at the regional level. This, in turn, also limits India's role in ensuring maritime security in Southeast Asia, even though the country has annual military exercises with ASEAN member states.

Strategically, Vietnam can use India and ASEAN's maritime security and maritime cooperation pillar to promote its maritime interests. Strengthening maritime security awareness in Southeast Asia helps Vietnam take advantage of its advantages in resolving maritime security challenges and territorial disputes in the SCS. India's support will help Vietnam consolidate its advantages in strengthening the Coast Guard's potential to protect sovereignty, enhance Vietnam's position in the region, and respond to international threats and China's ambitions in the SCS. However, Vietnam also ensures the goals of its "four nos" defense policy, including no partaking in military alliances, no siding with one country to act against another, no foreign military bases in the Vietnamese territory or using Viet Nam as leverage to counteract other countries, and no using force or threatening to use force in international relations, especially in the context of very beneficial strategic competition in the Indo-Pacific region and the SCS.

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Beyond Traditional Boundaries: From State-Centric Diplomacy to More Participatory Approaches for a Sustainable Future in the Western Balkans

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Abstract: *The contemporary era has witnessed a significant evolution in diplomacy, transitioning from traditional state-led approaches to more open, multilateral methods and channels. This study evaluates the effectiveness and suitability of the new diplomatic disciplines, particularly in the Western Balkans region, which grapples with numerous structural challenges, ethnic and political divisions, and external interference. The influence of traditional state-centric diplomacy in this region necessitates a shift towards a more participatory, multi-stakeholder approach to promoting positive peace and cooperation. This reframing of diplomacy emphasizes the emergence of regionalism and multilateralism through multi-track diplomacy, involving private individuals, non-governmental organizations, societies, and engaged citizens to foster understanding through dialogue, cooperation, and deeper interaction. The analysis highlights the influence of innovative diplomatic channels interlinked and entrenched through a capillary diplomacy framework essential for regional application while exploring the constraints of traditional methods. It advocates for fresh diplomatic strategies and collaborative initiatives in the Western Balkans through a win-win formula and a participatory model based on multi-track diplomacy – repurposed and redesigned to advance the reconciliation process, rapprochement, and raise public awareness through effective communication in line with the EU integration goals and advancements.*

Keywords: *Traditional Diplomacy; New Diplomatic Tracks; Multi-Track Diplomacy; Western Balkans; Reconciliation; Cooperation*

INTRODUCTION

In recent decades, our world has become intricately interconnected, leading to a surge in diplomatic engagements across varied paths prioritizing collaboration, inclusiveness, and the engagement of diverse stakeholders beyond conventional government realms. Rather than supplanting traditional state-centric methods, this evolution enriches diplomatic endeavors, offering innovative solutions to complex contextual challenges and fostering a more united and cooperative society at a regional or global level. The practice of track 1 diplomacy, also known as "official diplomacy" or "traditional diplomacy", has deep historical origins that can be traced back to the earliest periods of human civilization. It has always been controlled and ruled by governments of independent states or "international actors" (Cull 2009, 12), operating through state officials and channels to pursue desired objectives and outcomes. However, through negotiation or discussions, classical diplomacy is the primary avenue for managing relations between states and International organizations through various instruments within this field. It also functioned as the principal means of comprehending or interpreting other state endeavors and policies globally until the liberal order emerged after the post-World War II period. The liberal order has significantly influenced the development and application of international

relations theories, responding to the changing nature of the international system. In tandem with this theoretical evolution, the subdisciplines of diplomacy have also broadened their scope through various channeled practices, providing an even “more comprehensive understanding of International Relations”.¹ These changes have brought attention to the necessity of studying and practicing diplomacy outside conventional parameters and comprehending how other actors engage and can play crucial roles in this “new” context.

In terms of practices and approaches, the government’s endeavors encompassing activities, programs, and actions aimed at engaging both domestic and foreign publics—operating within the context of public diplomacy—have significantly broadened. Such an expansion is leveraged not only by state entities but also by non-state actors. Consequently, an increase in unofficial track 2 diplomacy (involving academics and specialists instead of conventional diplomats) and track 3 diplomacy (involving NGOs and worldwide citizens) emerged within multinational settings, as observed by Lam and Duerkop (2011, 4). The evolution of diplomatic efforts now encompasses various engagements spanning the economy, culture, sports, security and defense, and other spheres.

To emphasize “the significance of a comprehensive and linked approach to global affairs, the focus has shifted beyond traditional state-to-state relations to include non-state players”² and numerous new modalities. The fundamental goal has altered to accommodate multilateral relations and foster connections between the public and citizens through intensive interactions and regional/global outreach. Hence, in the present era, diplomacy has shifted its attention towards individuals and communities. It offers platforms where participants actively participate in dialogues, advocate for diverse causes, and wield significant influence over mutual comprehension and common goals.

This shift plays a pivotal role in crafting resolutions for entrenched divisions, particularly in post-war societies grappling with ethnic or social discord, by fostering an environment conducive to peace, dialogue, and reconciliation. In this evolving landscape, the broadened scope for engagement paves the way to innovative strategies and policies that tap into the public’s thoughts and perspectives, aiming to uncover novel solutions tailored to the complexities of modern, non-traditional conflicts.

Such advancements can significantly benefit regions like the Western Balkans, which have traditionally focused on state-to-state interactions and operated mainly through track 1 diplomacy. Following violent conflicts in the 1990s, the region entered a new era characterized by extensive multilateral efforts to foster peace and collaboration. The 1995 Dayton Agreement marked the cessation of hostilities in Bosnia and Herzegovina, showcasing the effectiveness of official, government-level negotiations known as track 1 diplomacy. In the years that followed, a range of efforts embraced track 2 and track 3 diplomacy, focusing on unofficial dialogue and grassroots engagement to bolster the peace process and tackle the root causes of the conflict. These efforts have faced resistance in the first decade and later on due to the complexity of conflicts, resistance to change, limited resources, the inability of these efforts to raise public awareness, and a lack of persistence or continuation at this level. Considering the configuration of the Balkan region with its past legacies that still contribute to divisions, people-to-people

¹Anonymous (No. 04) (2024, February). Interview with a diplomat serving in the SEE region using the Google Forms questionnaire.

²Anonymous (No. 04) (2024, February). Interview with a diplomat serving in the SEE region using the Google Forms questionnaire.

barriers, exclusion, hate speech, and disinformation, it is necessary to understand how relying mostly on track 1 diplomacy cannot break stagnation and effectively transform such complexities. Additionally, it can maintain the *status quo* where possible. At the same time, a multilateral and multilevel approach through a shared vision and “political will”³ can be instrumental in connecting people and advancing future opportunities in the region.

The research goal is to thoroughly examine the historical context of traditional diplomacy operations in the Western Balkans from a regional standpoint. It explores the complex changes following the decade of conflicts and clarifies the region’s apparent path toward a paradigm shift marked by greater transparency and international engagement.

International actors are actively involved in projects to aid reconciliation and integration of the Western Balkans in the European Union (EU), yet these efforts encounter significant challenges. The analysis sheds light on the development of diplomatic practices in a region that has yet to grapple with various challenges, including structural impediments, ethnic and political polarizations, and economic frailty while filtering or opposing external negative influences. Despite witnessing the adoption of new practices related to public, cultural, economic, environmental, and security cooperation, the influence of daily politics and government still shapes diplomatic discussions with a self-centric nature. The entrenched impact of traditional state-centric diplomacy in the region requires an opening to a more inclusive, multi-stakeholder practical model to promote constructive peace and cooperation. This reframing emphasizes the rise of regionalism and multilateralism, notably through diplomatic tracks involving various actors, private individuals, NGOs, and societies, to enhance understanding among diverse and divergent societal stances in the Western Balkans.

The study objective will first focus on a general introduction to “the changing nature of diplomacy” (Cooper and Cornut 2016, para. 1) to multi-track operability and the limitations existing within the scope of traditional diplomacy in a time of tremendous changes the world has faced in the last decades. Second, how much new shifts and dynamics in the diplomatic sphere can positively impact the region in the societal realm, giving rise to new initiatives through specific strategies, policies and initiatives and new ways of cooperation that could best fit in beyond governmental hostilities or disputes between states that, most of the time, lock in stagnation.

The final goal is to highlight how capillary diplomacy’s regular interactions could promote openness and aid regional rapprochement while fostering cross-sectorial and cross-societal cooperation in the Western Balkans context.

LITERATURE REVIEW

The prevailing view among scholars is that the political changes following the Cold War prompted a shift away from traditional diplomacy, which centered on national interest and state sovereignty, towards a more inclusive approach. The post-Cold War shift alternated new methods, tools, and mechanisms, leading space “to the emergence of regionalism and multilateralism” (Lam and Duerkop 2011, 4). Compared to the latter part of the 20th century, Melissen (2011) was one of the scholars in this decade, 2010-2020, to feature how diplomacy

³Anonymous (No. 03) (2024, February). Interview with a diplomat serving in the SEE region using the Google Forms questionnaire.

developed far more quickly in the 21st century. He stressed that Public Diplomacy is at the core of its current rebooting; it is no longer a stiff waltz among states alone but rather a jazzy dance of colorful coalition. Sending et al. (2011) have also written on the future of diplomacy, emphasizing the coexistence of old and new practices in the changing diplomatic landscape. In Cooper and Cornut's (2016) examination, shifts in the institutional architecture of global governance and their repercussions on diplomacy are emphasized by delving into the evolving landscape of practices. Preceding this, Cooper et al. (2013) took a global standpoint, incorporating contributions from international authors, accentuating the significance of multilateral diplomacy from different perspectives, and offering solutions to common global challenges.

Contemporary diplomacy utilizes a diverse array of tools and practices to maneuver through the intricacies posed by many actors within the dynamic landscapes of bilateral, regional, and multilateral engagements. A central aspect of this diplomacy is the meticulous examination of the complex interconnections across various issue domains. Scott-Smith (2018) points "toward an 'upgrade' of diplomacy as a whole" (p. 1) while calling for diplomacy to adapt to a radically different global environment, where states are no longer the sole actors to set agendas for solutions, while cross-state and inter-state societal interaction and connections can no longer rely on them only. In line with these elaborations on the evolution of diplomacy, other scholars have seen the opportunities of the new tracks of diplomacy as expanded, to be exploited in the context of the Western Balkans (WB) region as channels and means to furthering *détente*, building or restoring relations, reconciliation, exchange, influencing publics and impacting governments for a better understanding and cooperation relating specific issues and fields. Luli (2015) starts in the line above to discuss the mechanisms of public diplomacy in the Western Balkans as an imperative means to mitigate conflict and enhance cooperation. Adebhar (2017) emphasizes the need for a "new Balkan diplomacy" (para. 8) led by the EU and supported by Washington to empower Western Balkan societies to rule themselves, shifting away from strongman rule or external influences. Generally, scholars of Southeast European studies have overlooked the impact of diplomatic multi-channeled practices that could improve regional social cohesion and openness. Traditional diplomacy's pace is inconsistent and sometimes counterproductive to the EU's path - these countries follow it as their main strategic goal, whereas modern diplomacy can produce more effective results. Such a logic aligns with Melissen's (2011) perspective on public diplomacy, which advocates for interactive dialogue and long-term relations. This article tries to fill the gap in the current literature by focusing on evolving strategies of diplomacy subdisciplines and especially on the curing effects of "multi-track diplomacy", a concept developed and expanded by Dr. Louise Diamond and John McDonald at the beginning of the '80s, designed for conflict resolution. All such developments can either help or be redesigned to forge a "new Balkan diplomacy", empowering citizens and fostering social regionalism because the region is often hindered by shady political practices, authoritarianism, and outdated narratives, which impede productive regional foreign policy and limit citizen engagement and participation across various fields.

Additionally, this article does not attempt to bypass the shared perspective these countries have in aspiring to join the EU, even though "too often, EU foreign policy relied on the promise of eventual membership as a sort of cure-all" (Bieber 2019, para. 3). While this approach has been somewhat practical in guiding transformations and maintaining hope for EU accession,

its limitations are also recognized. The Western Balkan scene, especially in recent years, has been troubled and impacted by an already tumultuous geopolitical rivalry despite many EU-led projects and structures in place, such as (CEFTA, REA, RCC, and Berlin Process). Nevertheless, the EU expects candidate countries to undergo normative-political changes, including reforms, stable institutions, and economic progress. Waiting for such expectations to be met, unique characteristics and hurdles of each country and bilateral disputes often disrupt connections and rapprochement efforts. Meanwhile, the region has yet to establish a robust social foundation essential for stability. Such a foundation would facilitate integration while countering the sovereignty of state-centric foreign policies and counterproductive external influences through innovative approaches.

METHODOLOGY

This research endeavor undertakes an objective scientific investigation, adopting a liberal perspective to foster social cohesion in the Western Balkans. It aims to explore the benefits of new diplomatic instruments within emerging subdisciplines, using qualitative methods and foundational literature to analyze and assess the region's potential for the practical development of such opportunities. Although multi-track diplomacy is designed for conflict resolution and has been applied to a certain extent in the Western Balkans, it can still be redesigned with better coordination, evaluation, and communication strategies to provide opportunities through its branches to foster societal development and solidarity in the region. The study starts by recognizing the limitations of track-one diplomacy and its weak results in participatory projects starting from the beginning of the 2000s. It then expands to discuss the importance of the MTD (multi-track diplomacy) "new diagram", with its "compass design", offering through its various tracks new "resources, values, and approaches" (McDonald 2003, para. 4).

As supplements to existing literature (comprising books, scholarly journals, reports, and journal articles), integrated original data are sourced from diplomats affiliated with Southeast European (SEE) diplomatic missions. The data collection process involved conducting six in-depth interviews with the target group. The process resulted in a comprehensive and nuanced overview through their opinions regarding the regional diplomatic context and possible beneficial initiatives within the Western Balkans. Participants could remain anonymous or disclose their identities through a semi-structured Google Forms questionnaire, with those choosing anonymity denoted by codes 01 to 05 within the study. The questionnaire was emailed to approximately 12 diplomatic representatives in Albania and other Southeast European countries, with detailed explanations of the research and a specified deadline for responses. Out of the 12 diplomatic mission representatives, six responses were received within the official deadline specified in the email. The rich data collection from these six interviews allowed us to proceed with results, considering the format, structure, and requirements outlined by the journal's guidelines and word count limit. The responses served as essential expert input for the qualitative inquiry, enriching the analysis and results with diverse perspectives. The responses served as essential expert input for the qualitative inquiry, enriching the analysis and results with diverse perspectives. This enabled recommendations for a more cooperative regional environment through the novel "systems approach to peace" (Diamond 2003, para. 4).

DATA ANALYSIS AND DISCUSSIONS

Analyzing “traditional diplomacy” requires examining its longstanding practices, which persisted for centuries before being transformed by new practices and actors in the past decades. As Berton (2024) notes, diplomacy has significantly evolved over the last fifty years due to technological advancement, globalization, and geopolitical shifts, leading to new specialized fields and collaborative models.⁴ Within these changes, the rise of numerous “founded regional and intra-regional initiatives” took root “to strengthen cooperation between countries in international order”.⁵

Despite initial skepticism, diplomatic cables became central to international communication in the 1860s, despite Lord Palmerston’s alarmed reaction to the first telegram (Dizard 2001, 5). They evolved rapidly to integrate these new information exchanges at that time. Later, by the 1970s, the fusion of global media and international politics became pronounced, with leaders like Canadian Prime Minister Pierre Trudeau suggesting that media outlets like The New York Times could rival traditional foreign affairs institutions in information dissemination (Khanna 2011).

Still, track 1 diplomacy continues to play a central role in international relations despite the emergence of alternative diplomatic forms. The exercise of political power within the sphere of traditional diplomacy includes the establishment and maintenance of relationships, the “pursuit of compromise”, the “imposition of sanctions”, the “articulation of conditional statements”, the “power to influence”, the “threat of military force”, coercive diplomacy, “access to material and financial resources”, and “in-depth knowledge about the parties” (Mapendere 2000, 2). These instruments of statecraft remain deeply entrenched as states continue to employ them fervently and officially in their diplomatic affairs.

For a more informal and flexible dialogue, track 1.5 diplomacy evolved to combine elements of both tracks (track 1 and 2), bringing together government officials and non-official individuals to discuss and work on issues of mutual concern. As Homans (2011) emphasizes, track 2 diplomacy emerged from recognizing that unaffiliated private citizens could navigate toward mutual understanding, a feature often unattainable by official negotiators. In more direct terms, Joseph V. Montville, the former Foreign Service Officer who initially coined the term three decades ago in *Foreign Policy*, stated that “citizens could take some action rather than simply being bystanders while the grown-up governments acted like jerks” (Homans 2011). Beyond the official line, some states have already implemented extra procedures or methods because complicated situations have required these changes in operability manners and behaviors as a *modus operandi* that only partially follows the traditional way of diplomacy.

Louise Diamond and John W. McDonald developed and implemented the multi-track diplomacy (MTD) concept, expanding upon Joseph Montville’s original differentiation between track 1 and 2 approaches to conflict resolution. This expansion involved the inclusion of additional tracks, ultimately leading to the coining of the term “multi-track diplomacy” (McDonald 2003, para. 4) (Figure 1) and the establishment of the Institute for Multi-Track Diplomacy (IMTD) in 1992.

⁴Berton, B. G. (2024, January). Interview with Ambassador Bruce Berton, former Head of the OSCE Presence in Albania (June 2023 to December 2023), conducted via a Google Forms questionnaire.

⁵Anonymous (No. 02) (2024, February). Interview with a diplomat serving in the SEE region using the Google Forms questionnaire.

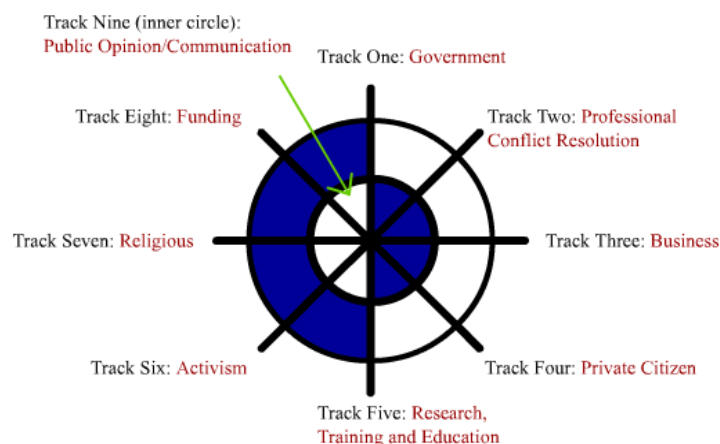


Figure 1: Multi-Track Diplomacy (Source: McDonald 2003)

Another breakthrough moment signaling the changes in diplomacy was the WikiLeaks case, which marked a shift in diplomatic confidentiality and ushered in a new era of “wiki-diplomacy”. Khanna (2011) highlights the transformative potential of this approach, suggesting that “wiki-diplomacy” may have already positively impacted global cooperation through a communication channel, advocating for transparency and collaboration across traditional boundaries, engaging diverse sectors to share information, and fostering effective alliances.

In the 21st century, the landscape of international relations has been markedly reshaped by the flow of information and technological advancement, introducing novel trends and mechanisms within the domain of capillary diplomacy able to enshrine within the MTD operability procedures too, which have manifested in innovative forms of representation, communication, and engagement. Simultaneously, the effectiveness of traditional diplomatic principles has reflected frailty throughout different historical periods to grasp the extent of opportunities within this framework and their significance, especially in the Western Balkan region. This investigation underscores an ongoing discussion on how flexible or adoptable standard diplomatic methods can be in changing geopolitical landscapes while exposing the advantages of engaging in multilateral diplomacy in the Western Balkans through multi-track diplomacy.

Balkan diplomacy has perpetually been under the rule of the old thumb, and the turbulent Balkan decade after the breakup of Yugoslavia in the 1990s had a profound and lasting impact on the region. Political rivalries, economic recession, historical animosities, and unresolved issues led to wars, exacerbated by the absence of democratic norms and human rights protocols. Resurging ethnic tensions and nationalism fueled conflicts among ethnic groups aiming for independence, while the power vacuum and political instability further intensified confrontations.

Despite being perceived as Europe’s periphery, the Balkans significantly influence the continent’s political, security, and economic landscape. New emerging states during this period sought international recognition and engaged in state-building efforts, echoing Jasbec’s (2007, 17) view of small states pursuing acknowledgment of their existence and identity within a community alongside participation in the EU’s integration initiatives.

After three decades of transition, it is observable how Southeastern European countries still face challenges in establishing strong regional societal bonds due to internal and external limitations and past reverberations. While international support, including EU/NATO integration and reconciliation initiatives, has partly addressed this, the reconciliation process has not been accomplished yet. At the same time, transitory justice has remained in its nascent phase, facing rejections in some countries, especially from the top level.

If traditional diplomacy were the sole channel available, it would have presented a ruthless game for some Balkan leaders and frontline politicians. When the chapter on positive peace was opened, the US-EU played a very constructive role through coordination and incentives. However, they still rely primarily on political leadership to enact changes in this sphere. Despite the duo's efforts in the region for three decades, Bosnian-Herzegovinian society still lives in divisions into three entities and suffers from ethnic and political divisions. Kosovo and Serbia dialogue is the principal concern and a hot-button issue between the two countries, posing escalation risks not only to the Balkan region but to the EU bloc, too. The dialogue needs to reinvigorate based on the Franco-German proposal, advancing on an implementation map with a more robust and efficient intermediary role of the EU. Until recently, the EU facilitating role between the parties has shown to be challenging, considering the back and forth of the whole dialogue process for many years.

Brussels bears a great responsibility in dealing with the issue, and what counts in this case is the future of the societies in a more stable region. Adebahr (2017) proposes a "new Balkans' diplomacy" that empowers Western Balkan citizens to better rule themselves rather than succumbing to strongmen or external forces. Nevertheless, this can be achieved parallelly with Balkan leaders assuming their responsibilities and promoting regional peace from the level of actions, discourse, and dialogue.

History has shown the unpredictable Balkans grappling with recurring political unrest and nationalist tensions, jeopardizing regional stability. Tcherneva (2021) emphasizes Serbia's political interference, challenging post-war peace agreements and evoking memories of 1990s conflicts. This nationalist push, combined with authoritarian leanings and alliances with Russia and China, creates a precarious climate, risking Balkan destabilization. These longstanding issues are compounded by an incomplete reconciliation process, a "work in progress" (Andreychuk 2018, 2) that impedes regional stability and EU integration.

The devitalization of the EU process has created an opening for external actors to operate according to their own rules and ambitions, intervening wherever feasible and contributing to a Balkan form of populism "characterized by the strengthening of the power and political influence of populist leaders from the 1990s, whose populist rule is increasingly taking the form of autocracy" (Visio Institut 2023). These prominent leaders have maintained long-term power, prioritizing control over public welfare through "top-down" populism and indoctrination (Brentin and Trošt 2016, 10). Despite signs of moderation and two decades in the state of stabilitocracy, the Euro-Atlantic axis should consistently support state-building and stable democracies in the Western Balkans. The revival of ethnic nationalism by confident leaders, as highlighted by Mankoff (2017), is present through exploiting unresolved conflicts to redirect public dissatisfaction from corruption and economic stagnation. Balkan leaders must finally realize how to reconcile their efforts with multi-track-diplomacy practices and other innovative strategies. They must embrace international law principles and reconciliation models to promote

societal growth and overcome historical divisions, fostering a forward-looking, unified vision for the future. The post-conflict phase in the Western Balkans was supposed to open a new chapter in interethnic relations and generally among states and societies. However, the traditional diplomacy formula is never out of fashion in a region with over 30 years of conflict, where there is a substantial lack of openness and transparency. Although new means of media and technology could benefit communication with the broader public, more awareness is needed to utilize these new diplomatic branches as they offer extended ways of interaction and negotiation.

An example of the perpetuation of the track1 diplomacy was the Open Balkan Initiative, launched in 2019. Beginning as a “mini-Schengen” project, it was a leadership effort by three Western Balkan countries (Albania, Serbia, and North Macedonia) aimed at fostering regional integration. It served as a bridging phase and a junction point on the path to EU membership. However, this Initiative did not receive considerable enthusiasm and consent from other states and a substantial portion of the citizenry due to a lack of trust at the core of the project and inclusivity among the participating countries and other parallel EU initiatives in the region that apply the same principles and goals.

THE RISE AND FALL OF TRACK 1 DIPLOMACY EFFORTS IN THE OPEN BALKAN INITIATIVE

The traditional diplomatic protagonism has been observed in recent years through the Open Balkan Initiative (OBI). This Initiative revived (track 1) diplomacy conduct and was seen as a locally driven effort, sparking concerns due to Southeast Europe’s complex historical, political, social, and economic challenges. As discussed in a previous article by Luli (2022)⁶, despite these challenges and critiques, Albania, North Macedonia, and Serbia continuously pushed for regional integration through this project, culminating in creating the Open Balkan (OB) in July 2021. This initiative was a specific reaction to the crises within the European Union and the stagnation of membership prospects, particularly following the obstruction of Albania and North Macedonia in 2019 from initiating accession negotiations. It signaled a desire for Balkan-led solutions to fulfill shared goals and aspirations as they appeared elusive toward the bumpy path to EU accession. Given the Western Balkans’ varied foreign relations alignments, economic disparity, bilateral disputes, and other interests, the Open Balkan Initiative’s effectiveness and final results were fiercely debated during this endeavor. Another source of concern was the lack of inclusivity it appeared to have as other members refused to take part in it.

During the Open Balkan phase, leaders drew parallels with the EU project, claiming the same success was possible in this scenario, too. However, there are differences in how the EU project was implemented “under an overarching umbrella” (Joseph 2022) of supranational institutions. The EU’s cooperation was based on a functionalist approach. France and Germany, at the state and political levels, fulfilled the obligations of the post-WWII period, while the OBI overlooked such commitments. The strained relations between France and Germany led to the 1951 Treaty of Paris, which established the European Coal and Steel Community (ECSC).

⁶Part of the analysis presented in this section is an appropriated and reformulated analysis of the author’s (Elira Luli) prior work, originally published as “Ballkani i Hapur’ dhe dritëhijet që e shoqërojnë ...” [“The Open Balkan’ and its accompanying complexities”], published on 10 June 2022, in *Opinion.al*, available at: <https://opinion.al/ballkani-i-hapur-dhe-dritehijet-qe-e-shoqerojne/>

In contrast, the OB still faces trust-related divergence, stemming from historical events and perpetuated by particular states-driven nationalism and narrow national interests, impacting integration and international justice commitments. European unity's sustainability and enduring peace hinged on fostering a lasting reconciliation between France and Germany after WWII in 1945, in the Potsdam Conference, which shaped Germany's future, entailing complete disarmament, dissolution of the Nazi party, denazification, war criminal trials, and reparative actions. The decisions made at Potsdam indirectly influenced France's position in post-war Europe and its relationship with Germany. In 1946, major war criminals faced trial in Nuremberg under Allied judges, prompting Germany to acknowledge its guilt.

After WWII, Vonyó (2019, para. 9) argues that the Marshall Plan, implemented in 1948, was instrumental in ensuring post-war political stability. It achieved this by reducing the influence of communist parties, backing the centrist government, creating a Western alliance to limit Soviet expansion, and restoring West Germany's standing internationally. Such a vision is unlikely to merge in some Western Balkans countries at a political level. Between 1945 and 1963, following the culmination of these processes, a conviction emerged that entrenched animosity could evolve into a successful reconciliation, now enshrined in the EU's primary pillars upheld by these two states. Meanwhile, in the Western Balkans, the lack of concerted political efforts and a unified vision to initiate social justice and progress obscures opportunities for cooperation by perpetuating a politics of oblivion and failing to move beyond past stages.

Serbia's firm rejection of Kosovo's independence complicates transitional justice efforts. In some contradictory terms, Serbia's invitation to Kosovo to join the Open Balkan elicited diverse speculations of showing potential will toward an "implicit recognition", but such a position would be in contradiction with the stalled Brussels dialogue of many years, highlighting Serbia's hesitancy to fulfill agreements and attach more seriously to a complete European alignment while being closely related to Russia. Joseph (2022) points out that supporters of the Open Balkans also failed to address the region's economic inequalities. He also questioned the idea of "trade equals trust", arguing that trade's effect and results highly depend on a regime's nature—its democratic or authoritarian leanings. While trade among Western democracies can yield political gains, Joseph suggests this does not hold in the case of the Western Balkans, considering the current context. Considering the influence of actors other than the European Union (EU) and the United States (US), speculation quickly arose about whether Russia was backing this initiative. This speculation exacerbated the continuity of the Open Balkan project, leading to heightened doubts, particularly at the societal level in some states.

Moreover, ambiguity surrounded whether this project would supersede, replace, extend, or operate concurrently with ongoing EU initiatives. The EU's current initiatives (CEFTA, Berlin Process, Common Regional Market) are pivotal for progress, reforms, and guiding the involved parties, while all six states should remain actively involved.

Given the current transitional weak outcomes at the domestic level, the region's "facere-it-te" or "do it yourself" political strategy has raised skepticism about the benefits and effectiveness of Balkan leadership at the regional level. The "people in the region who want to live in societies based on the West's proclaimed liberal values see that their capitals and leadership are on the side of illiberals and autocrats" (Bassuener 2023, 5).

Leaders who fail to be progressive at the domestic level can hardly be successful at the regional level, as in recent years, some regional incidents and autocratic tendencies have

indicated limited collaboration and vision for regional progress. Such events undermine the root of similar initiatives, such as OB, as occurrences and practices conflict with its “genuine” objectives.

Moreover, despite US and EU mediation attempts, Belgrade and Pristina still maintain conflicting positions, contrary to the Ohrid Agreement’s cooperation framework. Regrettably, the EU’s efforts to normalize relations between Serbia and Kosovo, agreed upon in March 2023, have yielded unsatisfactory results. The events in Banjska involving a guerrilla group further complicated diplomatic efforts. They raised “the possibility of further violence” and regional destabilization” (Trajkovic 2023, para. 5), jeopardizing the whole region. As Bassuener (2023, 5) points out, in this geopolitical competition that spans the entire region, leaders who harbor unrealized nationalist goals—whether they seek separation or dominance—are more emboldened and self-assured than they were when they previously pursued these objectives through military force. In such conditions, distrust may deepen at the societal and among states level, showing some autocrats seizing opportunities to fulfill ambitions at regional plans coupled with local power consolidation practices. These ongoing tensions leave societal scars and will profoundly impact and worsen public sentiment. Trajkovic (2023) warns that rushed solutions risk undermining democracy and human rights, while an existing resolution framework, based on German and French ideas (Ohrid framework), calls for the immediate, excuse-free implementation of the agreement. However, since the positive peace stage for multilateral engagement was opened, the region’s poor planning and incoherent policies have fostered apathy. This environment has, once again, fostered forces that drive toward violence and destruction (Figure 2).

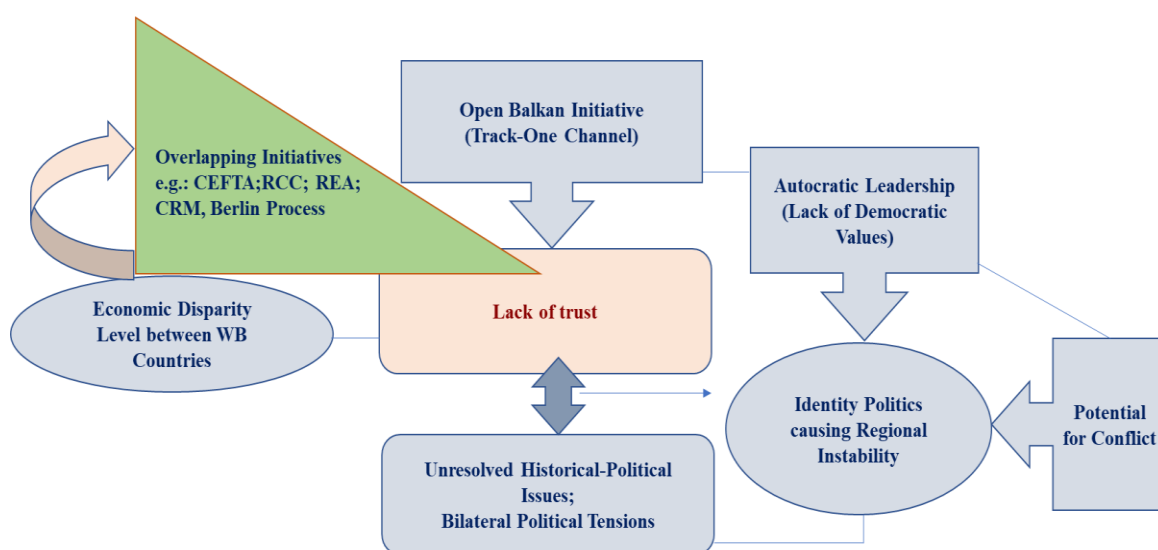


Figure 2: Open Balkan: Challenges, Leadership Dynamics, and Overlap with EU Initiatives
(Source: Authors’ depiction)

Figure 2 represents the challenges and doubts surrounding the OBI. Although it was presented as a significant shift in regional dynamics following an EU model, with Balkan leaders taking a more active role in shaping their destiny, this shift has raised questions about the underlying interests and the potential impact on the current context of the region.

Irrespective of the outcome of the Belgrade-Pristina dialogue, even if it progresses optimally, the region is in dire need of initiatives that not only encompass and reflect values, contributions, and policies rooted in multi-track diplomacy but also serve to establish robust foundations and mutual understanding and cooperative gains among societies. In turn, such advancements can empower them to build natural deterrence against the detrimental agendas of specific irresponsible leadership that hark back to the notorious history of the Balkans. The European Union is still the only common destination for all six Western Balkan countries, as it holds significant leverage for regional transformation and a development model. However, efforts have often focused on injecting the European model from an external rather than an internal regional perspective. Nevertheless, the “fulfillment of the obligations arising from the Stabilization and Association Agreement for each Western Balkan country”⁷ is imperative, backed up and energized by numerous diplomatic initiatives. The latest events demonstrate that “the progression of the Western Balkans depends significantly on the determined political volition of the region’s leaders”⁸ political agenda. At the same time, societies become distant or follow the narrative lines set by politics and media.

Post-war Europe has a successful model of how it shifted to a bold multilateral engagement within the framework of an ever-widening peace while track 2 diplomacy was active. In the Balkans, the lack of “human and economic development, education, and jobs, but also ineffective governance and the rule of law” forces the young generation to leave (Adebhar 2017). The region lacks substantive citizens-led initiatives through “citizens diplomacy”, empowering “individuals with strong reputations in arts, music, sports, media, academia, and communication” (Adebhar 2017) to be more influential and vocal for peaceful relations. As “the concept of MTD is closely connected with the whole-of-society approach” (Dudouet and Dressler 2016, 5), these new ways would be innovative and immediate for the region. After a decade of conflicts, since the end of the ‘90s, the EU has been supporting “peace processes” to “facilitating dialogue processes with civil society organizations” (Youngs 2014; Davis 2014).

Nevertheless, reports show that “the civic sphere in the Western Balkans is contracting” and “more anti-liberal governments are justifying their restrictive policies towards CSOs” (WB2EU 2023) while citizens are segregated and less engaged, plagued by high migration rates. The Balkan Barometer (2022, 17) reveals that citizens primarily engage in decision-making and political life through social networks or discussions with friends, citing feelings of powerlessness, distrust, and a lack of responsibility toward their governments. Such a decrease in awareness and lack of participation at the grassroots level “might diminish the political performance of populist leaders or those elected on fraudulent electoral processes”.⁹ These are worrisome trends that need to be addressed starting from the grassroots level; even though the results at this level may be more modest, the commitment will have long-term and far-reaching value.

⁷Anonymous (No. 05) (2024, February). Interview with a diplomat serving in the SEE region using the Google Forms questionnaire.

⁸Anonymous (No. 03) (2024, February). Interview with a diplomat serving in the SEE region using the Google Forms questionnaire.

⁹Anonymous (No. 02) (2024, February). Interview with a diplomat serving in the SEE region using the Google Forms questionnaire.

DISCUSSION

Diplomacy in the 21st century is characterized by a need for flexibility, inclusivity, and a recognition of the diverse range of actors shaping international relations (Berton 2024).¹⁰ The world becomes multipolar as new regional powers emerge, undermining traditional superpower hegemony. This shift necessitates diplomats to navigate through a fluid alliance landscape, where partnerships are issue-based rather than fixed, demanding high adaptability to the dynamic geopolitical environment.¹¹

Conversely, in the Western Balkans (WB) context, this might not be “a problem of track-one diplomacy per se”¹² but merely a problem of leadership approach in exercising diplomatic practices and relations because it relates to the concern “whether these leaders have been elected through a genuinely fair electoral process and if their election is based on populist rhetoric and nationalistic ideas”.¹³ As the Western Balkans Civil Society’s Call to Action (2022) notes, reconciliation has regressed due to a lack of support from WB political leaders, and the EU agenda for reconciliation has ceased.

Third parties influence this region through economic, political, cultural, and religious connections. However, “the region’s unique history means that while the EU model cannot be directly applied, it may be adapted to fit the local reality”.¹⁴ Overcoming the struggle with historical acceptance may require a blend of traditional and modern diplomatic efforts. Berton (2024) notes that unresolved issues from past conflicts like the Bosnian and Kosovo Wars hinder regional cooperation due to ongoing nationalism-related issues and minority rights disputes. Hence, establishing joint security mechanisms to address common challenges is always necessary. In such a frame, “a regional early warning system, supported by international and neighboring allies, is crucial for conflict prevention, mediation, and peacebuilding”.¹⁵ Diplomatic strategies targeting younger generations, such as parliamentary diplomacy, could be effective, given legislators’ direct engagement with the populace.

Effective channels in this regard remain “cultural diplomacy with the potential to strengthen interpersonal relationships by using common arts, cultural traditions, and history to heal historical wounds”.¹⁶ Economic diplomacy with “collaborative economic ventures that promote interdependence”¹⁷ can be beneficial not only for deeper economic integration but also for strengthening relationships. Platforms for regional dialogue must involve multiple actors in facilitating discussions between ethnic communities, addressing grievances, and the need for “historical reevaluation”¹⁸ to ease concerns and foster a shared perspective of the past.

¹⁰Berton, B. G. (2024, January). Interview with Ambassador Bruce Berton, former Head of the OSCE Presence in Albania (June 2023 to December 2023), conducted via a Google Forms questionnaire.

¹¹Berton, B. G. (2024, January). Interview with Ambassador Bruce Berton, former Head of the OSCE Presence in Albania (June 2023 to December 2023), conducted via a Google Forms questionnaire.

¹²Anonymous (No. 02) (2024, February). Interview with a diplomat serving in the SEE region using the Google Forms questionnaire.

¹³Anonymous (No. 02) (2024, February). Interview with a diplomat serving in the SEE region using the Google Forms questionnaire.

¹⁴Anonymous (No. 01) (2024, February). Interview with a diplomat serving in the SEE region using the Google Forms questionnaire.

¹⁵Berton, B. G. (2024, January). Interview with Ambassador Bruce Berton, former Head of the OSCE Presence in Albania (June 2023 to December 2023), conducted via a Google Forms questionnaire.

¹⁶Anonymous (No. 04) (2024, February). Interview with a diplomat serving in the SEE region using the Google Forms questionnaire.

¹⁷Anonymous (No. 04) (2024, February). Interview with a diplomat serving in the SEE region using the Google Forms questionnaire.

¹⁸Anonymous (No. 04) (2024, February). Interview with a diplomat serving in the SEE region using the Google Forms questionnaire.

In promoting good governance, it is necessary to “advance legal and governance reforms for a robust rule of law and transparent institutions, and offer training to enhance public administration and fight corruption” (Berton 2024).¹⁹

In most cases, leadership initiatives have yet to be pursued with a plan or goal to build public opinion and public relations in favor of peace-making and good neighborly relations. Hence, in the contextual plan, “it is more an issue of democracy and politics, as the diplomacy derives from the ones”.²⁰ Diplomatic efforts in the region have focused on direct, bilateral problem-solving, with multilateral approaches emerging when driven by international or integrative pressures. Throughout the 34-year transition period, the region still needs a concerted, feasible approach to engaging all essential stakeholders, encompassing governments, civil society, and citizens. The regional cooperation instrument “is the path the EU and the Balkan countries have embraced to improve their mutual relations”. At the same time, the Berlin Process, in line with possible entrenching and expanding MTD initiatives, “can be an essential instrument of progress, especially if it continuously ensures active involvement from regional states (such as Austria, Poland, Czech Republic, Hungary, Croatia, Slovenia, and Greece) and the EU and USA to meet commitments and avoid the neglect seen in the 2020s”.²¹

Given the region’s tumultuous past, “the reconciliation model” feasibility hinges on meeting international law standards for transitional justice while building active societal preparation to counter nationalist and irredentist ideologies from historically rooted political issues. The EU “must take tangible steps towards integrating the region, rather than solely sticking to its model and inadvertently neglecting the region”²² because if it overlooks the changing geopolitical landscape, especially in light of the Russia-Ukraine war, further destabilization may follow.

CONCLUSION

This research holds significant implications for understanding the evolving nature of diplomacy and how it can shape new directions of cooperation, citizen rapprochement, and exchange, particularly in the Western Balkans region.

Adaptations in diplomacy reflect the dynamic evolution of international relations, responding to global shifts and changes. International relations theories and meta-theories provide frameworks for understanding global events, power transitions, and conflicts. These theories are valuable for understanding potential future scenarios, but no single theory remains universally applicable. Similarly, diplomatic channels are continually evolving and can be effective in forging partnerships and driving practical change, often reaching beyond the traditional influence of governments.

Acknowledging the hindrances encountered in the form of a stalled reconciliation process due to inadequate backing from political leaders in the Western Balkans and a sluggish EU agenda, external actors are consistently poised to capitalize on these impasses and exert

¹⁹Berton, B. G. (2024, January). Interview with Ambassador Bruce Berton, former Head of the OSCE Presence in Albania (June 2023 to December 2023), conducted via a Google Forms questionnaire.

²⁰Anonymous (No. 02) (2024, February). Interview with a diplomat serving in the SEE region using the Google Forms questionnaire.

²¹Anonymous (No. 02) (2024, February). Interview with a diplomat serving in the SEE region using the Google Forms questionnaire.

²²Anonymous (No. 01) (2024, February). Interview with a diplomat serving in the SEE region using the Google Forms questionnaire.

influence on the Western Balkans through economic, political, cultural, and religious ties, representing complex avenues for intervention. Hence, the findings underscore the value of grassroots initiatives in post-conflict environments with the support of horizontal actors. Post-conflict societies frequently resist top-down regional integration and reconciliation initiatives because of the perception that such efforts are inauthentic, externally imposed, and insufficiently equipped to tackle the intricate and deeply entrenched issues that underpinned the conflict. Conversely, grassroots initiatives are often viewed as more genuine and effective, as they originate from within the communities rather than being mandated by political leadership. In an environment where there are unresolved historical narratives, a lack of social justice, and inadequate representation, bottom-up approaches to peacebuilding can be more naturally suited to recognizing past injustices and laying the groundwork for future top-down interventions through fostering a sense of ownership and agency among community members, which is essential for sustainable peace and reconciliation.

Policymakers and practitioners must recognize and better evaluate efficient MTD initiatives while adapting to changing circumstances in the region. Effective MTD requires raising public awareness and communicating its goals and progress. Without clear communication, the public may not support or engage with the initiatives. This is crucial in a region where countries must resolve all bilateral issues before becoming part of the EU.

The analysis and arguments do not suggest circumventing track 1 diplomacy approaches in post-war/conflict societies. Instead, they advocate for reevaluating these practices by supporting them if they align with similar objectives or independently evolve into more effective paradigms. These advancements require recognizing the constraints of traditional state-centric diplomacy and promoting regional strategies and collaborative initiatives for such post-conflict environments. Furthermore, the research in frames of proposing new ideas and venues stresses a win-win formula, where intellectuals, academics, diplomats, civil society, and other actors can contribute to grassroots movements in multiple ways and enhance a participatory model through multi-channeled grassroots interventions redesigned to advance the peace-making process, consensus-based cooperation, providing a renewed commitment. It introduces a new scheme for promoting positive rapprochement by establishing a Forum, Center, or Institute with a two-year presidency mandate to apply multi-track diplomacy principles and goals. This innovative approach offers a new and expanded way of thinking about the research problem, emphasizing the importance of inclusive, multi-stakeholder engagement through creating a more inclusive environment for fostering community unity and value-based conditions with equal benefits, ultimately contributing to the region's sustainable future.

Effective aid depends on coordinated efforts between the EU, the US, and other positively interested stakeholders.

The Western Balkans urgently require leaders and media able to confront historical taboos and adopt new perspectives. Such efforts are crucial for integrating societies living in perpetual limitations by past narratives. Immediate attention through funds and technical dedication through programs and exchanges through ("people-to-people" contact) is imperative. These efforts require a mixture of traditional and modern diplomacy to adopt a mutually beneficial diplomatic strategy aligned with EU and NATO goals, particularly in areas where collaboration has been limited or absent. Systematic intervention is essential, prioritizing youth engagement to instill a sense of unity and cooperation.

Furthermore, facilitating horizontal-level exchanges can demonstrate intellectual commitment to cooperation by introducing innovative solutions for greater acceptance and sharing. The continuous highlighting of the benefits of EU membership is essential to inspire reform, engage youth, promote accountable governance, and commit to European principles and values. A regional media collaboration is crucial to ensure unbiased reporting, counteract misinformation, and enhance intercultural communication. Scholarly research and projects that aid the Western Balkans in reclaiming their cultural identity and history are crucial for fostering positive regional identity and advancing reconciliation and acceptance.

After reviewing the contextual analysis and results, a key question emerges: How can the multi-track diplomacy diagram, initially designed for conflict resolution, be strategically readopted and repurposed as an invaluable framework for promoting positive peacebuilding in post-war/conflict societies within the Western Balkans region? As mentioned above, the recommendation for establishing a new Institute or Centre with a two-year presidency mandate can be put into motion and expand on the multi-track diplomacy principles and goals through the abovementioned programs. Including Southeast European countries that are members of the EU in this Initiative would enhance the sharing of expertise and experiences, fostering greater inclusivity. This Forum could integrate within existing regional structures or operate independently as a specialized structure for multi-track diplomacy aimed at citizens. Leadership within this structure should comprise individuals with a robust activism background, notable achievements across diverse fields, or/with high academic, institutional, and diplomatic standing. During their term, these leaders would be expected to craft a strategic plan focusing on reconciliation and fostering capillary connections among societies and youth through tangible programs and initiatives they would execute while in office.

The programs could be adjusted in duration as needed, ensuring continuity even later when new figures assume the next presidency after two years term.

Ideally, if the presidency is held in country X, the best option would be for the president/leader to hail from countries Y or Z within the region. The institution may have a stable or rotating presidency, but all countries must have their representatives on a rotating basis.

This mission, transitioning from foundational principles to widespread program implementation at the societal levels, holds paramount significance in the region.

The existing diagram of multi-track diplomacy (Figure 1) redesigned for fragmented post-war societies and regions grappling with deep-rooted societal tensions could function the same way, starting newly designed programs by collaborating, when necessary, with respective governments (track 1) to facilitate programs and initiatives.

Involving essential stakeholders by stepping into (track 2) for mediation and discussions through designed initiatives can promote awareness through various campaigns on the benefits of peace and coexistence. Initiating economic endeavors with experienced prominent business figures (track 3) can help, through their expertise, to support emerging entrepreneurs and promote and circulate their products in the region's market. Engaging private citizens (track 4) as influential messengers, utilizing their platforms to host regional audiences, enhances outreach, a shared understanding, and impact.

Furthermore, the center should encourage and fund mid-career researchers and young scholars (track 5) with a research background and interest in such topics to conduct research

pertinent to the center's mission to advance with projects in various subbranches and have a far-reaching effect.

Activism (track 6) permeates all tracks, underscoring their tangible importance because it is all about activism in all channels.

Special initiatives promoting cultural diversity within activities related to religion (track 7) are crucial, emphasizing religion as an aspect of religious coexistence tightly associated with freedom of expression and not as a divisive factor among individuals or societies with varying beliefs and faiths.

Adequate funding (track 8) is essential to meet and fulfill MTD's goals, requiring contributions from participating governments, philanthropists, visionary business figures, esteemed academic institutions, and international partners.

Lastly, effective communication (track 9) is pivotal for coordinating these interconnected efforts, aiming to educate the public with a forward-thinking perspective on shared destiny through achieving prosperity, peace, and stability. Communication should serve as the primary conduit for this center to not only disseminate information on achievements but also amplify the voices of citizens and youth, addressing their needs and ideas beyond political biases and media influence. In such a way, the center/mission/institute can organize and operate, putting in motion all tracks where constituent subbranches are translated into programs and initiatives raised and implemented by continuous ideas. The reinvigoration of citizens can enhance their potential for regional solidarity and forge their barriers against populist and nationalist dictate. Moreover, such a structure is essential for fostering community unity and cross-channel collaboration in the Western Balkans, enhancing the efforts of other regional initiatives.

Influenced by invested allies and pertinent stakeholders aiming to advance this plan, it has the potential through well-designed strategies, policies, and programs to push the EU's goals and engagement in regional integration, fostering coordination and collaboration on a mutually beneficial basis and societal reconciliation through active rapprochement and exchange.

CRediT AUTHOR STATEMENT

Elira Luli: conceptualization, methodology, writing-original draft (lead), reviewing and editing, and supervision. **Mirela Metushaj:** writing-original draft (supporting), interview process (lead), interview findings analysis and data curation.

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Exploring the Effectiveness of the Human Rights Court in Indonesia: A Call for Humanitarian Action

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Abstract: *Indonesia's Human Rights Court, established under Law No. 26/2000, has faced criticism due to persistent unresolved cases, highlighting flaws in its legal foundation. The Court's performance revealed that Indonesia has been ineffective in resolving serious human rights violation cases. This research emphasizes two main points: 1) exploring human rights enforcement in Indonesia based on the effectiveness of the Human Rights Court's performance, and 2) scrutinizing the context of humanitarian intervention in cases of gross human rights violations in Indonesia. The article utilized a normative juridical research approach, followed by a descriptive analysis through a literature study. The research illustrated that human rights enforcement in Indonesia was inadequate, often stalling at the inquiry stage. Trials for the 1984 Tanjung Priok massacre, East Timor, and Abepura resulted in acquittals, raising doubts about the effectiveness of the Human Rights Court's Law (No. 26/2000). Furthermore, humanitarian intervention was deemed necessary to address these unresolved violations, viewed not as a violation of sovereignty but as a means to enhance human rights protection. This requires national and international cooperation, focusing on resolving cases rather than debating jurisdiction.*

Keywords: *Human Rights; Court; Humanitarian Law; Humanitarian Intervention*

INTRODUCTION

Human rights violations are acts of humanity committed by individuals, governmental institutions, or other entities against the human rights of others that lack a legal foundation or rational justifications (Aryani and Hermanto 2018). Indonesia is a country with a low degree of human rights protection. Unfortunately, minor to major violations have been insufficiently addressed. 2021 country reports on human rights practices in Indonesia show that significant issues included credible reports of 1) violations by the government, involving torture by police, unlawful interference with privacy, inequity in the judicial institution, and wrongful restriction on media; 2) violations of civilian from Papua and West Papua Province, involving arrests of journalist and religious figures, restriction on internet freedom and association, and general harm of physical abuses; 3) violations to members of racial and ethnic minority groups, including lesbian, gay, bisexual, transgender, queer, or intersex persons (LGBTQ+) (US Embassy and Consulates in Indonesia 2021). Even though efforts to address previous human rights problems were never easy, broad violations and disregard for human rights should not be an option (McGregor and Setiawan 2019).

The settlement of serious human rights disputes involves the deployment of an independent judiciary, which aims to ultimately revert the situation harmed by the criminals to its initial state (Hermanto 2019). Law No. 26/2000 on the "Human Rights Court" (Law No.

26/2000 or the Human Rights Court's Law) is the primary legal instrument underpinning the Indonesian Human Rights Court system. Suppose this law does not regulate it will be addressed by the Indonesian Criminal Code (*Kitab Undang-Undang Hukum Pidana*, known as KUHP) or the Indonesian Criminal Procedure Code (*Kitab Undang-Undang Hukum Acara Pidana*, known as KUHPA) (Suwakil 2020). According to Law No. 26 of 2000, the Human Rights Court is distinctive since the term "Human Rights Court" was deliberately used to identify the form of the Court. The Indonesian Human Rights Court is a special criminal court that falls within the jurisdiction of the general Court (Teguh Prasetyo 2020). The Indonesian Human Rights Court is not separate in the judicial system but a division of a general court designed to adjudicate significant human rights violations. In other words, the Indonesian Human Rights Court is a branch of the District Court (Asrun 2016b).

Moreover, efforts to promote human rights protection must align with Indonesia's past socio-political conditions. Broadly, the procedural Law of the Human Rights Court includes four central powers: inquiries and investigations (including arrest and detention for investigation), prosecution, and examination in Court (Nurkholis and Waluyo 2021).

Adjudication includes compensation, rehabilitation, and retribution. The general explanation of Law No. 26 of 2000 demonstrates the purpose of the Human Rights Court, which is to protect human rights for both individuals and society and to serve as the foundation for enforcement, legal certainty, justice, and a sense of security against all kinds of breaches, especially gross human rights violations (Begem, Qamar, and Baharuddin 2019).

Cases adjudicated by the Human Rights Court are not criminal acts regulated by the Criminal Code (ordinary crimes). Instead, the cases tried must inflict immense, material, and immaterial harm and cause insecurity for individuals and society, thereby being regarded as acts against humanity (*hostis humani generis*). The Law on Human Rights Court was formed to adjudicate cases of serious human rights violations, which are considered extraordinary crimes and have a broad impact at the national and international levels (Warjiyati 2018). Human rights courts for perpetrators of gross human rights violations are part of judicial and legislative reforms adapted to the 1998 Rome Statute provisions (Siswanto 2005). However, even though the essence of the law is based on the Rome Statute, there has been no harmonization of the Rome Statute instruments in the law on the Indonesian Human Rights Court. This may be noted in the Human Rights Court's jurisdiction, including the crimes of genocide and crimes against humanity, which are established in Article 7 of the Law on the Human Rights Court following the International Criminal Court's jurisdiction in the Rome Statute (Irham 2020).

Genocide and crimes against humanity are types of international crimes regulated in the 1998 Rome Statute (Irham 2020). In addition, international humanitarian law also stipulates that genocide and crimes against humanity are violations in war that can be categorized as serious human rights violations. This is regulated based on humanitarian law, namely the 1949 Geneva Conventions. Humanitarian law, often called the law of war, also closely correlates with human rights. Humanitarian law protects human rights in war situations. The existence of humanitarian law reinforces the importance of respecting human values not only in peaceful times but also in critical situations such as war (Mumtazinur 2018).

Humanitarian law is needed because, during wars, human rights violations often occur. This is similar to the Timor Timur case that occurred in Indonesia. The case of Timor Timur is a form of non-international armed conflict between the Indonesian Armed Forces or the TNI and

the civilian. In this case, it is suspected that there have been serious human rights violations in Timor Timur, such as murder, extermination, slavery, expulsion and forcible transfer, and other inhumane acts against the civilian population (Setiawan 2019). All these actions are essentially a form of gross violation of the right to life, the right to freedom, and a decent life. With the armed conflict and human rights violations, it can be said that the Timor Timur cases have also violated humanitarian law.

Establishing the Human Rights Court in Indonesia shows that the Indonesian government has the will to resolve various cases of gross human rights violations (Nurbani 2018). However, human rights violations continue to occur continuously in Indonesia. Based on data from the Institute for Community Studies and Advocacy (ELSAM), it was stated that there were 12 provinces in Indonesia in the first quarter of 1998, and that was 1,629 fundamental human rights violations (Swardhana 2021). These rights are the right to life, the right to be free from torture, the right to be free from arbitrary arrest, the right to be free from instantaneous extermination, and the right to be free from enforced disappearances. Even the enforcement of the law on several cases of human rights violations has not been entirely resolved. The National Human Rights Commission (*Komnas HAM*) noted that there were 12 cases of human rights violations that had not been resolved to this day. This includes the resolution of the Timor Timur crimes, with the acknowledgment that the cases are still incomplete (Galingging 2018). Because the Human Rights Court's legal foundation has severe flaws, arresting perpetrators of Timor Timur crimes is difficult. Until now, no perpetrators of Timor Timur atrocities have been held accountable for their actions (Swardhana 2021).

As a state of the rule of law, Indonesia guarantees the protection of human rights based on the explanation of the 1945 Constitution (before amendment) and Article 1 para. 3 of the 1945 Constitution (after amendment) (Asrun 2016a). Hence, Indonesia is deemed to ensure law enforcement for human rights violations. If legal enforcement for human rights violators is currently not adequately resolved, the concept of the rule of law itself must be re-examined. Even though establishing the Human Rights Court demonstrates that Indonesia is willing to enforce human rights laws, the fact that there are too many unresolved cases under the gross human rights violation category proves that Indonesia may need humanitarian intervention (Lev 1990).

Based on humanitarian principles, if one state is deemed insufficient to protect its country from major human rights violations, these cases would be taken to the International Criminal Court (ICC) as the primary international body responsible for adjudicating gross human rights violations (White 2020). This authority, known as humanitarian interventions, is a response to systematic, severe human rights violations, but by contrast, it has an evident humanitarian character. It is also important to note that human rights violations, as defined in contemporary international law and politics, typically involve actions by a state against its citizens. Although a wide range of individuals and organizations can restrict people from enjoying life, liberty, equality, and other goods, services, and opportunities, the term "human rights" is commonly used to refer to how states treat their people on their territory (Sularso 2021). In this case, Indonesia may have been categorized as a state that needs humanitarian intervention. Suppose humanitarian intervention is carried out, and the ICC adjudicates these unsolved human rights matters in Indonesia. In that case, it will exacerbate and confirm the Indonesian government's failure to address their concerns within their sovereignty (Dewanto 2022). This will undoubtedly

lower Indonesia's status in terms of human rights protection. Therefore, it creates the need to enforce and promote human rights protection in Indonesia.

This article will further discuss two main areas, namely 1) exploring human rights enforcement in Indonesia based on the effectiveness of the Human Rights Court's performance and 2) scrutinizing the humanitarian intervention context in gross human rights violations in Indonesia.

METHODOLOGY

This study uses a normative juridical research method that examines various positive laws from the applicable laws and regulations, especially those related to human rights enforcement and humanitarian law. Then, it is analyzed descriptively and analytically, providing an overview of society's problems and legal phenomena (Atmaja 2017). In addition, this article also uses library research with sources from books and journals related to human rights enforcement and courts.

RESULTS AND DISCUSSION

Exploring Human Rights Enforcement in Indonesia

The first discussion will highlight two main points: the juridical view of Indonesia's Human Rights Court system based on regulations and an assessment of the Human Rights Court through case studies. This discussion aims to analyze the efficacy of human rights protection in Indonesia based on the performance of the Human Rights Court.

Normative Approach

Law No. 26 of 2000 concerning the Human Rights Court is the legal basis for the settlement mechanism of criminal acts categorized as extraordinary crimes. The law outlines the procedural provisions regulating the stages of adjudication, including interception, detention, inquiries, investigation, prosecution, court examination, examination procedures, protection of victims and witnesses, compensation, restitution, and rehabilitation.

Interception

Interception is a temporary limitation on the freedom of a suspect or defendant by an investigator if there is sufficient evidence for investigation, prosecution, and/or trial (Hutahaeen and Indart 2019). Since interception might be considered a violation of a person's human rights, it must be carried out in line with the appropriate legal regulations. In this case, it is carried out by the Attorney General; thus, the Attorney General can only make the intercept (Utomo 2019). Interception of a person who is strongly suspected of committing a severe human rights violation is only permissible if the following procedures are met:

- Sufficient preliminary evidence.
- The interception is only conducted by authorized investigators.

- Letter of assignment completed.
- Arrest warrant completed.
- Copy of detention warrant.

Detention

Detention is the placement of a suspect or defendant who is strongly suspected of being a perpetrator of a crime based on sufficient evidence in a specific place by the investigator, public prosecutor, or judge with determination (Dewi 2021). In serious human rights violations, the Attorney General is authorized to detain further as an investigator and public prosecutor. At the same time, by their determination, judges at the Human Rights Court have the authority to carry out further detention for examination in Court. Continued detention is carried out by a detention order issued by an investigator or public prosecutor with a judge's determination (Yuli and Dinanti 2016)—the length of the detention period or the extension of the detention period is depicted in Table 1.

Table 1: Perpetrators Detention Period of Human Rights Violations in Indonesia Based on the Law on Human Rights Courts (Source: Authors' depiction based on the Law 26/2000 on Human Rights Court)

No.	Detention For	Authority to Extend the Period	Duration	Law (Articles)
1.	Inquiries	Chief Justice of the Human Rights Court	90 days 90 days 60 days	13 (1) 13 (2) 13 (3)
2.	Prosecution	Chief Justice of the Human Rights Court	30 days 20 days 20 days	14 (1) 14 (2) 14 (3)
3.	Human Rights Court Session	Chief Justice of the Human Rights Court	90 days 30 days	15 (1) 15 (2)
4.	Appeal Examination by the High Court of Human Rights	Chief Justice of the High Court	60 days 30 days	16 (1) 16 (2)
5.	Examination of Cassation by the Supreme Court	Chief of Supreme Court	60 days 30 days	17 (1)

Inquiries

The National Commission on Human Rights (*Komisi Nasional Hak Asasi Manusia - Komnas HAM*) will carry out the inquiry stages as a primary supervisory body responsible for human rights protection. If sufficient preliminary evidence of serious human rights violations has occurred, the conclusions of the inquiry results will be submitted to the preliminary examiners. After noting preliminary evidence, *Komnas HAM* must submit the outcome of the complete investigation to preliminary examiners within no later than seven working days. If the main investigator believes the inquiry results are incomplete, they shall return the results to the preliminary examiners with instructions for completion. This must be done within 30 days from the date of receipt of the inquiry results. This procedure is regulated in Article 20 of Law No. 26 of 2000 concerning the Human Rights Court (Ananda 2018).

Investigation

An investigation is a preliminary examination process to identify evidence of a serious violation of human rights. The process includes examining witnesses, hearing expert testimony, taking statements from suspects, conducting house searches, confiscating property, etc. At this stage, the Attorney General is in charge of investigating major human rights violations. However, the authority to receive reports or complaints is not included in the act of confiscation, as it is the authority of *Komnas HAM* (Teguh Prasetyo 2020).

Prosecution

Prosecution refers to the procedure of submitting cases of serious human rights violations to the Human Rights Court through the issuance of an indictment. The Attorney General carries out the prosecution according to Article 23 of Law No. 26 of 2000. At this stage, the Attorney General appoints an ad hoc public prosecutor composed of government and/or community members. According to Law No. 26 of 2000, the prosecution must be concluded within 70 days after receiving the results of the investigation (Ananda 2018).

Inspection

The examination of cases involving human rights violations is carried out by a panel of five judges, consisting of two Human Rights Court judges and three *ad hoc* judges. The number of judges on the panel must be odd. In this configuration, the *ad hoc* judges serve only as member judges, while a Human Rights Court judge chairs the panel. *Ad hoc* judges are appointed and dismissed by the President as head of state based on the proposal of the Supreme Court. *Ad hoc* judges are selected from outside the court system and must meet professional standards. At least twelve *ad hoc* judges are appointed, each serving a term of five years, with the possibility of being re-elected for one additional term (Faisal 2019).

Victim and Witness Protection

Article 34 of Law No. 26 of 2000 states that every victim or witness in cases of serious human rights violations has the right to physical and mental protection from threats, terror, disturbances, and violence from any party. This protection is provided during the Court's inquiry, investigation, prosecution, and examination stages. This protection must be carried out by law enforcement officers and security forces free of charge. The law enforcement officers responsible for this protection are the police, prosecutors, and judges.

Criminal Threats

Criminal threats for the perpetrators regulated in the Law No. 26/2000 are detailed in Table 2.

Table 2: Criminal Threats for Perpetrators of Human Rights Violations in Indonesia
(Source: Authors' depiction based on the Law 26/2000 on Human Rights Court)

No.	Law No. 26/2000	Acts of Violation	Punishment
1.	Article 36	Genocide includes murders, physical and mental abuse, causing annihilation, preventing births, and forcibly transferring children from one group to another.	The sentence ranges from a minimum of 10 years to a maximum of death, life imprisonment, or 25 years.
2.	Article 37	Murders, annihilation, eviction or forced displacement of residents, deprivation of all types of liberties, and crimes of apartheid.	The sentence ranges from a minimum of 10 years to a maximum of 25 years.
3.	Article 38	Slavery	The sentence ranges from a minimum of 5 years to a maximum of 15 years.
4.	Article 39	All types of torture	The sentence ranges from a minimum of 5 years to a maximum of 15 years.
5.	Article 40	Rape and other forms of sexual slavery, persecution of certain groups based on political views, race, ethnicity, religion, gender, and other reasons universally recognized as prohibited acts under international law.	The sentence ranges from a minimum of 10 years to a maximum of 20 years.

According to the above explanation, the provisions regulated by the Human Rights Court's Law have already stipulated relevant rules for the stages of human rights adjudication. The law is considered adequate as a legal foundation for human rights protection measures. However, the effectiveness of the law is measured by how well its provisions are implemented. Indonesia still has many unresolved human rights issues, demonstrating the law's low degree of implementation.

THE IMPLEMENTATION OF THE LAW ON HUMAN RIGHTS COURTS

Implementing the Human Rights Court's Law can be evaluated through its application to various human rights cases in Indonesia. As widely recognized, numerous incidents have demonstrated significant human rights violations, particularly cases involving structural violence by state apparatus such as police and military, resulting in civilian deaths. These cases are not ordinary crimes but crimes against humanity (Yunara 2019). Despite establishing the Human Rights Court's Law, human rights violations in Indonesia have often not been effectively addressed through legal enforcement, leading to various merits and drawbacks, as indicated in Table 3.

Table 3: The Progress of Law Enforcement in Cases of Human Rights Violations in Indonesia
(Source: Authors' depiction)

No	Case	Description	Developments in the Human Rights Court
1.	Tanjung Priok Chaos (1984)	The Tanjung Priok case in 1984 was the most violent clash between the military and Indonesian Muslims since the 1950s. It is estimated that dozens of people died, and more than 100 were injured. It was even reported that 171 people were missing in that bloody incident (Suwirta 2017).	In July 2000, the first-instance court found 12 guilty and acquitted 2. However, during the appeal process, all those convicted were subsequently acquitted and released.
2.	GAM Rebellion (1989-1998)	The Free Aceh Movement, or GAM rebellion from 1989-1998, was a form of non-international armed conflict between the TNI and GAM sympathizers. The TNI and GAM are suspected of committing various gross violations of human rights, such as extrajudicial killing, enforced disappearance, torture, confinement, rape, and sexual violence that are carried out systematically and widely, which constitute crimes against humanity. According to Amnesty International, 10,000-30,000 people died during the Aceh conflict (Putri and Permatasari 2018).	The establishment of the Human Rights Court has not effectively led to identifying perpetrators of human rights violations, largely due to the state's role in protecting those responsible for such crimes. This protection hinders the investigation and prosecution of human rights abuses, resulting in no perpetrators being held accountable for their actions (Hadi and Sriwidodo 2020).
3.	Timor Timur Cases (1999)	Timor Timur cases in 1999 were a form of non-international armed conflict between the TNI and the civilian population. In this incident, it is suspected that there have been serious human rights violations in Timor Timur, such as murder, extermination, slavery, expulsion, and forcible transfer, as well as other inhumane acts against the civilian population.	In the Timor Timur cases, the Human Rights Court conducted a trial for 18 individuals, resulting in the acquittal of 16 of them. One person was acquitted at the High Court, while just one person was sentenced to imprisonment (Firmandiaz and Husodo 2020).
4.	Mysterious Shooting Case (Petrus) 1982-1985	Suharto requested the police and Indonesian soldiers to eradicate crime rates effectively. This led to extrajudicial killings of individuals suspected of causing public disturbances, commonly referred to as "thugs." In 1984, a total of 107 people were killed, and in 1985, 74 people lost their lives, including 28 who were shot (Fadhil 2020).	<i>Komnas HAM</i> recommended that the Petrus case constitutes a serious human rights violation and urged the Attorney General to investigate. However, to date, the case file for Petrus has been shuffled back and forth between <i>Komnas HAM</i> and the Attorney General's Office. Prosecutors frequently cite incomplete evidence, investigators not being sworn in, unsworn translators, and other procedural issues as arguments against progressing with the case (Sitoresmi 2021).
5.	Forced Disappearance 1997-1998	During the New Order Government, young activists aimed to uphold justice and democracy by criticizing government policies. However, authorities responded with abductions, forcibly taking activists from their homes and subjecting them to torture (Suwirta 2017).	The People's Representative Council or <i>Dewan Perwakilan Rakyat</i> (DPR) has yet to endorse the establishment of an ad hoc Human Rights Court (Fadhil 2020).
6.	Trisakti, Semanggi I, Semanggi II	During public and student protests demanding the resignation of Suharto due to worsening economic problems, incidents of violence occurred. Security forces responded by shooting at protesters and using tear gas, among other actions (Fadhil 2020).	<i>Komnas HAM</i> recommended that the Trisakti case constitutes a serious human rights violation and urged the Attorney General to investigate. However, the Attorney General's Office refused, citing the principle of "ne bis in idem," which refers to not being tried twice for the same offense (Fadhil 2020).
7.	Talangsari 1989	Warsidi, a senior figure and leader of the Muslim community in Talangsari, opposed the New Order Government due to its failure to improve the	<i>Komnas HAM</i> has recommended that the Talangsari case constitutes a serious violation of human rights and urged the

		welfare of the people. In response, the government surrounded the location of the Warsidi congregation and opened fire after the siege (Suwirta 2017).	Attorney General to conduct an investigation. However, as of March 2008, the Attorney General's Office did not follow up on this recommendation, and the Talangsari case file continued to be passed between <i>Komnas HAM</i> and the Attorney General's Office (Sitoresmi 2021).
8.	WasiorWamena 2001 and 2003	<p>Wasior:</p> <p>The case originated from a conflict between the community demanding compensation for confiscated customary rights and a company holding forest concession rights. Additionally, shootings occurred involving Brimob members and employees of the company. During the pursuit, there were incidents of violence against civilians suspected of being involved in the shootings.</p> <p>Wamena:</p> <p>The case involves the burglary of an Indonesian soldier headquarters by an unknown group, resulting in the deaths of two soldiers and serious injury to another person. In pursuit of the perpetrators, several actions were taken, including arrests, torture, shootings, killings of civilians, and the burning of <i>honai</i> (traditional houses), churches, polyclinics, and schools. These actions led to the forced displacement of the population.</p>	<i>Komnas HAM</i> has recommended that the Wasior-Wamena case constitutes a serious violation of human rights and has urged the Attorney General to conduct an investigation. However, to date, the case file for the Wasior-Wamena case has been moving back and forth between <i>Komnas HAM</i> and the Attorney General's Office. Prosecutors frequently cite incomplete evidence, issues with investigators and translators not being sworn in, and other procedural concerns as reasons for delays in progressing with the case (Fadhil 2020).

According to the table above, law enforcement on human rights violations in Indonesia has not yet been appropriately addressed. This may be observed in the cases of Petrus, Talangsari, Trisakti, Semanggi, enforced disappearances, and Wasior Wamena, which illustrate that the Attorney General's Office's law enforcement is only restricted to the inquiry stage, with no follow-up to the settlement of these cases. Several more cases of violations of human rights have merely reached the investigative stage and have yet to be concluded, including the Paniai case in 2014, the Jambo Keupok case, and the Simpang KKA case in Aceh in 2016.

Several cases, including the 1984 Tanjung Priok massacre, were successfully tried in the First Level Court, yet all suspects were declared free. The Court also adjudicated other cases of human rights violations. Still, all suspects were declared innocent, such as the East Timor case, where 18 defendants were released, and the Abepura case, where two defendants were released (Fadhil 2020). This record certainly raises a number of concerns in the minds of the Indonesian people about the commitment of the Indonesian government to protecting human rights because if all suspects are declared free, then there is no one accountable for the loss of so many lives in these cases. The question is then raised again on the function of the law on the Human Rights Court if no perpetrator of human rights violations has experienced its deterrent effect. Therefore, it can be said that the implementation of Law No. 26 of 2000 concerning the Human Rights Court has not been optimized over the last 20 years (Yunara 2019).

SCRUTINIZING HUMANITARIAN INTERVENTION CONTEXT ON GROSS HUMAN RIGHTS VIOLATION IN INDONESIA

This section highlights the interrelationship between humanitarian law and human rights to portray fundamental reasoning for the issue and discuss the matter of humanitarian intervention by international bodies to adjudicate unresolved cases of gross human rights violations in Indonesia.

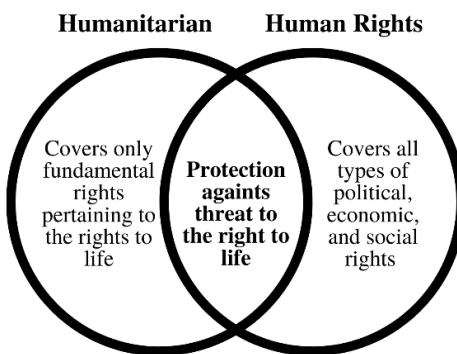
Interrelationship Between International Humanitarian Law and Human Rights

Humanitarian and human rights laws are closely related since both are concerned with protecting people's rights and treating them with dignity and respect. However, they differ in some fundamental ways. Humanitarian law, often known as international humanitarian law, is a set of rules designed to prevent the suffering and destruction caused by armed wars (Nagamine and Roriz 2020). It pertains to armed conflict events, including both international and non-international, and is intended to protect those not directly involved in the hostilities, such as civilians and detained combatants. Humanitarian law is codified in several treaties and other instruments, notably the four 1949 Geneva Conventions and the two 1977 Additional Protocols.

On the other hand, human rights is a broad concept encompassing a wide range of universal and intrinsic rights and freedoms (Yusliwidaka, Roisah, and Setiyono 2022). These rights include civil and political rights, including the right to life, liberty, and freedom of expression, as well as economic, social, and cultural rights, such as education, housing, and healthcare (Wallace 2019). Various international and regional agreements outline human rights law, including the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights (Yusliwidaka, Roisah, and Setiyono 2022).

Over two decades ago, the correlation between the law of armed conflict or international humanitarian law (IHL) and human rights law was a subject of scholarly discourse (Hampson 2008). While humanitarian law and human rights are separate law entities, they are frequently interrelated and may overlap in certain circumstances. Human rights law, for example, may continue to apply during armed conflicts, although it could be subject to specific limitations and restrictions due to the necessities of the situation (Posse 2006). Similarly, humanitarian law's protections may strengthen and reinforce specific human rights, such as the right to life and the prohibition of torture and inhumane acts. The interrelationship between the two variables is illustrated in Graph 1.

Based on Graph 1, it can be concluded that the interrelationship between humanitarian law and human rights lies in the same purpose: to protect people from any threats to their right to life. Moreover, humanitarian law may affect human rights protection in some ways. Humanitarian law provides specific provisions to those caught in armed conflicts, such as protection against aggression, harm, and murder (Begem, Qamar, and Baharuddin 2019). Humanitarian law, for example, strictly forbids the targeting of civilians and the use of weapons that are likely to inflict unnecessary suffering. It also establishes guidelines for protecting detained combatants, including a ban on degrading treatment or punishment (Nagamine and Roriz 2020).



Graph 1: The Interrelationship Between Humanitarian Law and Human Rights Law
(Source: Authors' interpretation based on Francoise J. Hampson's 2008 discourse)

Second, humanitarian law has the potential to enhance and strengthen specific human rights, such as the right to life and the prohibition of torture and inhumane acts. The restriction on torture and inhumane acts, for example, is premised on the notion of dignity, which is also a core element of human rights law (Dewanto 2022). Finally, humanitarian law can be used to address and redress human rights violations that occur during armed conflicts. International Criminal Court (ICC), for example, granted the ability to investigate and prosecute individuals for violations of international humanitarian law, such as war crimes and crimes against humanity. Humanitarian law can assist in holding perpetrators accountable and provide a measure of justice for victims. According to these premises, humanitarian law and human rights are two different entities with an inseparable component that shares the same means to ensure the protection of the right to one's life (Paddon Rhoads 2019).

HUMANITARIAN INTERVENTIONS CONTEXT IN ADJUDICATING GROSS HUMAN RIGHTS VIOLATION IN INDONESIA

The Concept of Humanitarian Intervention for Gross Human Rights Violation Cases

Humanitarian intervention pertains to organizations or coalitions of organizations intervening within the territory of a sovereign state to address injustices. In such cases, the international community asserts both the right and the duty to intervene when states persistently violate human rights, such as through ethnic cleansing and genocide.

The humanitarian intervention concept has also drawn many controversies since it disregards state sovereignty and provides the idea of liberal imperialism (Tomes 2020). The sovereignty concept, which maintains that states have a sovereign right to non-interference in their internal affairs, is one of the grounds against humanitarian intervention (Jemirade 2021). Humanitarian intervention has critics who contend that it may have undesired repercussions and violates the sovereignty of the state in which it is conducted. Moreover, in practice, engaging in humanitarian intervention is often complicated and considers aspects such as international law, politics, and the risks and benefits of such action (Paddon Rhoads 2019).

The concept of humanitarian intervention deploys in a situation that involves a serious human rights violation. In such circumstances, the international community has reframed

humanitarian intervention to fulfill the responsibility to protect (R2P). In humanitarian conflicts, every state must defend its citizens against threats to humanity. Then, if states fail to provide the means of protection, it is the international community's responsibility to protect the people of that state, as regulated under the United Nations Charter. If peaceful means are insufficient, military force may be used. Therefore, since the right to provide humanitarian intervention is recognized by international law, it cannot be viewed as an interference or infringement of a state's national sovereignty. Instead, it is a way to enhance, assist, and resolve the suffering caused by gross human rights violations (Tsagourias 2022).

There are numerous approaches to humanitarian intervention. Military intervention is one concept in which an army force addresses human rights violations in a foreign country (Tomz and Weeks 2020). This may involve combat troops, air strikes, or other military actions. Another approach is economic or diplomatic intervention, which uses economic or diplomatic measures to pressure the government to address human rights violations. Moreover, for a humanitarian intervention to be legitimate, it must meet specific criteria (Damrosch 1991). Humanitarian intervention must be motivated by a legitimate concern for human suffering, not self-interest or other geopolitical events. The international community must also endorse it through the UN or another international body. Finally, it must be carried out to minimize civilian casualties while respecting the sovereignty of the country in matters (Jemirade 2021).

Humanitarian Interventions for Adjudicating Gross Human Rights Violation in Indonesia

Based on the previous explanation, the Human Rights Court's implementation in Indonesia has not been optimized; this is apparent from the inefficiencies in the legal procedure for numerous cases of gross human rights violations in Indonesia. The inefficacy causes several negative impacts on the longevity of state functioning in Indonesia, including the escalation in impunity and non-fulfillment of victims' rights to truth, justice, and remedies (Kekerasan 2020). Even today, no victim or family of a human rights violation has been granted the right to justice stipulated in the Human Rights Court's Law. This underscores the need for the government to be more devoted to resolving cases of human rights violations. Despite the government's efforts to implement settlement regulations for victims and families of human rights violations, the process remains challenging to manage (Dewanto 2022). As a result, the goal of achieving justice has yet to be met.

The Court's inability to serve justice creates a void in which the International Criminal Court (ICC) will adjudicate these matters to its jurisdiction. The ICC is an independent international tribunal with jurisdiction over the world's most horrendous crimes, including genocide, crimes against humanity, and war crimes (Budisantosa 2020). The ICC has jurisdiction over individuals suspected of committing certain crimes, regardless of their nationality. Within the grounds of the Court's failures, the humanitarian intervention may need to be carried out through the ICC.

Regarding jurisdiction, the ICC lacks the authority to carry out humanitarian intervention or hold states accountable for such action (Tsagourias 2022). Moreover, the fact that Indonesia has not ratified the Rome Statute 1998 as a legal basis for ICC's jurisdiction amplifies the ineligibility of ICC standpoints to conduct a humanitarian intervention for Indonesia. In reality, Indonesia's reluctance to ratify the Rome Statute has been regarded as unusual, given that the

substance of the Human Rights Court's Law is similar to the standards outlined in the Rome Statute (Sularso 2021). These similarities are shown in Table 4.

Table 4: Similarities in Material Jurisdiction of the ICC and the Indonesian Human Rights Court
(Source: Authors' depiction based on Rome Statute of 1998 and Indonesia's Law 26/2000 on Human Rights Court)

Court	Jurisdiction	Legal Basis	Similarities in the Definitions of Genocide and Crimes Against Humanity Based on the Legal Basis of the Two Courts
ICC	<ul style="list-style-type: none"> - Genocide - Crimes against Humanity - War Crimes - Aggression Crimes 	Article 5, Rome Statute	<ol style="list-style-type: none"> 1. Genocide is acts committed with the intent to destroy, in whole or in part, a national, ethnical, racial, or religious group, as such: <ol style="list-style-type: none"> a. Killing members of the group; b. Causing serious bodily or mental harm to members of the group; c. Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; d. Imposing measures intended to prevent births within the group; e. Forcibly transferring children of the group to another group. 2. Crime against humanity means any of the following acts when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack: <ol style="list-style-type: none"> a. Murder; b. Extermination; c. Enslavement; d. Deportation or forcible transfer of population; e. Imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law; f. Torture; g. Rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity; h. Persecution against any identifiable group or collectivity on political, racial, national, ethnic, cultural, religious, gender as defined in paragraph 3, or other grounds that are universally recognized as impermissible under international law, in connection with any act referred to in this paragraph or any crime within the jurisdiction of the Court. i. Enforced disappearance of persons; j. The crime of apartheid; k. Other inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or to mental or physical health.
Indonesia Human Rights Court	<ul style="list-style-type: none"> - Genocide - Crimes against Humanity 	Article 7, Human Rights Court's Law	

Table 4 demonstrates that the substance of the Human Rights Court's Law is substantially aligned with the Rome Statute. Furthermore, because international humanitarian law and human rights law intersect, Indonesia, too, can be viewed as inextricably linked to humanitarian law (Posse 2006). Despite the lack of jurisdiction for the ICC to perform a humanitarian intervention, the ICC may still have the authority to prosecute the perpetrators

under the reference of the United Nations Security Council (UNSC) as a body that responds to maintain world peace and security (Article 13, Rome Statute).

Moreover, based on Table 3, which depicts numerous unsolved human rights violation cases, particularly the GAM Rebellion (1989-1998) and the Timor Timur Case (1999), which caused substantial damage during armed conflicts, the humanitarian intervention appears to be a necessity (Sabila, Bustamam, and Badri 2019). This circumstance then constitutes an exigency for the UNSC to grant jurisdiction for the ICC to acquire these cases. However, there have been no attempts by the ICC Public Prosecutor to investigate any human rights violation cases (Jara Gómez 2021). Therefore, it can be said that the UNSC has not submitted any proposal for investigation to tackle these cases.

Calculating the harm caused by existing cases has highlighted the need for humanitarian intervention to adjudicate human rights violations in Indonesia. In this case, humanitarian intervention should not be regarded as an intrusion on state sovereignty; instead, it should be viewed as an input to improving the status of human rights protection in Indonesia by resolving gross human rights cases that have proven unsuccessful in the adjudication process. However, these efforts necessitate a solid understanding of national and international parties to prioritize case settlement over debating the status of sovereignty and jurisdiction. As the right to life is the most critical aspect of this situation, any measures must be taken to fulfill this ultimate core of human rights.

CONCLUSION

Exploring human rights enforcement in Indonesia based on the effectiveness of the Human Rights Court's performance has proven insufficient. Instances such as Petrus, Talangsari, Trisakti, Semanggi, enforced disappearances, Wasior Wamena, Paniai (2014), Jambo Keupok, and Simpang KKA (2016) illustrate that the Attorney General's Office frequently stops at the inquiry stage without taking subsequent measures. The trials for the 1984 Tanjung Priok massacre, East Timor, and Abepura similarly led to the acquittal of all suspects, raising significant concerns regarding the government's dedication to upholding human rights. This lack of effectiveness raises doubts about the objective of the Human Rights Court's Law, as no wrongdoers have experienced its deterrent impact, suggesting that the enforcement of Law No. 26 of 2000 has not been fully maximized in the last two decades. Therefore, the government and law enforcers must evaluate the system within Indonesia's Human Rights Court, as the current circumstances do not represent Indonesia's commitment to ensuring human rights protection.

The humanitarian intervention context in gross human rights violations in Indonesia is evident through the intersection of international humanitarian law and human rights legislation. The presence of several unresolved human rights crimes underscores the necessity for humanitarian assistance. The detrimental effects of these cases highlight the imperative need for humanitarian action in Indonesia. This intervention should be viewed not as a violation of sovereignty but rather as a method to enhance the protection of human rights by addressing important situations that have not been successfully resolved through the legal process. Collaboration and coordination at national and international levels are necessary to achieve successful intervention. This collaboration should prioritize the resolution of cases rather than engaging in discussions about sovereignty and jurisdiction.

CRediT AUTHOR STATEMENT

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Control of Irregular Migration and Suppression of People Smuggling on the Western Balkan Route

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Abstract: *The subject of this paper is irregular migration and modern models of preventing the smuggling of migrants on the part of the Western Balkan route through the Republic of Serbia. The goal is to show how the new strategic approach of the Serbian police in this area can give excellent results, that the application of modern methods of policing and technical means are aimed at preventing the smuggling of migrants, i.e., the illegal movement and transport of migrants across the state border and state territory to go to countries of the European Union. Based on the conducted research, the authors have drawn certain conclusions: 1) effectiveness, efficiency, and economy in the area of suppression of irregular migration can be achieved by applying an adequate criminal strategy, 2) the new strategic approach led to the discovery and arrest of a large number of people smugglers and the discovery of illegal firearms, 3) the use of modern technical means, coordinated, joint work of different police units and management from a single center by a strategic level manager directly in charge of combating irregular migration and human smuggling in a particular area (territory) which is estimated to be a hotspot of criminal activity, is a prerequisite for success.*

Keywords: *Security; Irregular Migration; Western Balkans; European Union; Police; Smuggling*

INTRODUCTION

This research is prompted by events that occurred in the northern region of the Republic of Serbia during the last quarter of 2023. The Serbian police detected an increased number of irregular migrants, some of whom were engaged in violent criminal activities. Although similar events have been observed before, of lower intensity, the turning point for the reactions of the Serbian police occurred in the town of Horgoš, near the Serbian-Hungarian border, at the end of October 2023, when there was an armed conflict between two groups of irregular migrants, during which three of them were killed, one was wounded. Four Afghan citizens and two Turkish citizens were arrested. After searching the terrain and the surrounding forests, the police found two automatic rifles with dozens of pieces of ammunition and another 79 irregular migrants who were relocated to reception centers (MUP 2023a). In the next 24 hours, they detected and relocated another 870 irregular migrants throughout Serbia (MUP 2023b).

Irregular migration in the 21st century began on a large scale after the "Arab Spring" (Goldner Lang and Nagy 2021), the name used for the wave of demonstrations, protests, and uprisings in predominantly Arab countries initiated on 17 December 2010, with the self-immolation of Muhammad Buzizia in protest against police corruption in Tunisia (Milojević and Janković 2012a). Then the protests spread to Egypt (at the beginning of 2011), Libya, Bahrain, Syria, Yemen, Algeria, Iraq, Jordan, Morocco, and Oman, as well as to the borders of Israel, while

smaller protests occurred in Kuwait, Lebanon, Mauritania, Saudi Arabia, Sudan and Western Sahara (Milojević and Janković 2012a). The “Arab Spring” led to the political and security destabilization of several countries in the region.

Citizens of the mentioned countries wanted a better life in more prosperous nations of Western Europe. The road to them led through several directions (routes). Chart 1 (FRONTEX 2023c) shows the following routes: Western African route, Western Mediterranean route, Central Mediterranean route, Western Balkan route, Eastern Mediterranean Land route, Eastern Mediterranean Sea route, and Channel route (by sea across the English Channel). On the same chart, it can be seen that the number of detected irregular migrants in 2022 was the highest on the Western Balkan route, so we shall keep our attention on this route.

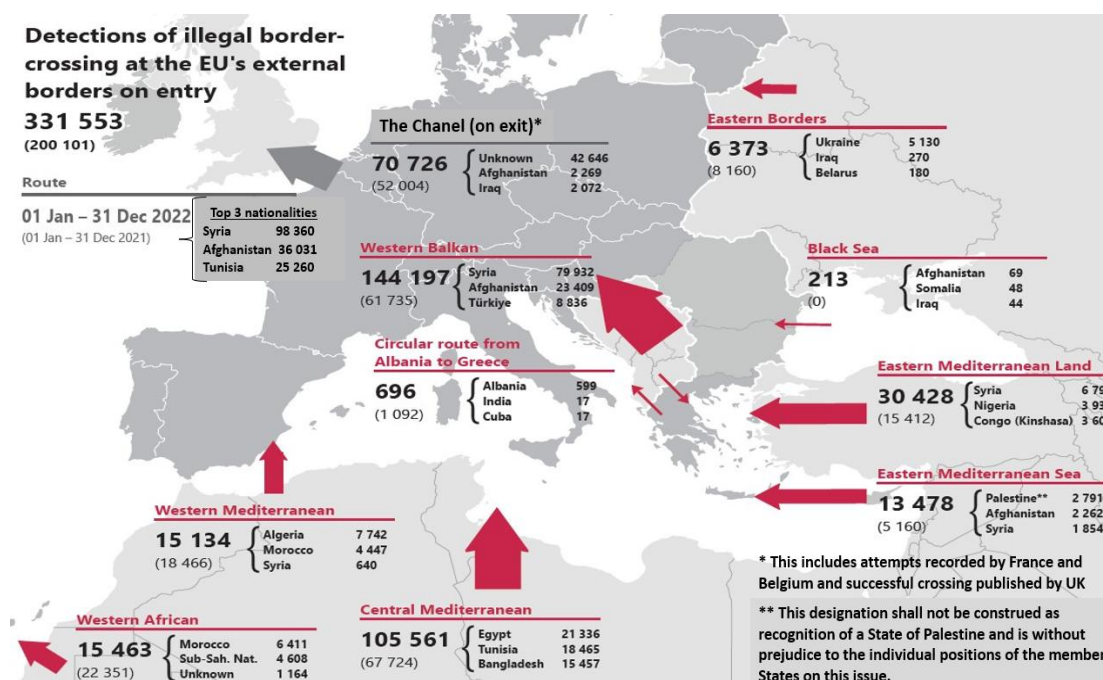


Chart 1: Detections of Illegal Border Crossings at the EU's External Borders on Entry
 (Source: FRONTEX 2023c)

LITERATURE REVIEW

Irregular migration is a widespread topic in scientific literature. It can be defined as any movement of the population from one country to another that is not in accordance with the valid legal regulations of the country of origin and the country of destination (Dostić and Tančić 2022). Forced massive irregular migrations most often occur when people flee, fearing for their lives or the lives of family members due to armed conflicts, war, persecution on religious, racial, national, or other grounds, but also due to poverty, climate change, infectious diseases, major natural and/or other disasters. The problem of irregular migrants is examined from different angles in different regions. Since the research subject is the migration problem on the Western Balkan route, the focus will be on the research conducted in the countries on the mentioned route.

Many studies deal with the routes through which irregular migrants are transferred to Europe and the ways of transferring them across the border (Böröcz 2021; Jose and Kojic 2015; Milašinović, Janković, and Milojević 2024), emphasizing that this is not a spontaneous phenomenon but is carried out by organized criminal groups of smugglers (Stoynova and Bezlov 2019). Particular studies emphasize that irregular migrants are a big security problem in certain countries, e.g., Bulgaria (Stoynova and Bezlov 2019), Serbia (Janković and Todorović 2017; Milašinović et al. 2024), and Bosnia and Herzegovina (Galić 2022; Kržalić and Kobajica 2021). It is especially emphasized that there is a danger of terrorists infiltrating irregular migrants and that this problem represents a security challenge for the security services (Janković and Todorović 2017).

Another group of studies examines the problems irregular migrants encounter on their way to the promised states of the European Union. These problems range from direct violence by the police, as is the case in Croatia, to a subtler form of violence while exercising certain rights, often based on racial grounds (Isakjee, Davies, Obradović-Wochnik, and Augustová 2020), obtaining asylum (Bakker, Cheung, and Phillimore 2016; Nancheva 2016), and the abuse of irregular migration to ensure the necessary labor force (Cheliotis 2017). Migrants are often portrayed very negatively in the media, as observed in the research conducted in Bosnia and Herzegovina (Kržalić and Kobajica 2021). Analyzing media announcements in Bosnia and Herzegovina over 3 years, the authors noticed that a specific part of the public has a negative perception of refugees and migrants who come from the Middle East, whereby specific subgroups are often the subject of pronounced social stereotypes and prejudices. Such a negative perception is not the result of personal experience but was created on the topics and narratives promoted by the media. All of the above can contribute to the strengthening of stigmatization and discrimination of the refugee and migrant population among the public, as well as the possibility of generating growing distrust towards the relevant state institutions dealing with issues of control and management of migration flows (Kržalić and Kobajica 2021).

The third group of studies examines ways to combat cross-border crime and irregular migration. Transnational threats, cross-border crime, and irregular migration require comprehensive, multidimensional, and well-coordinated responses. Some authors (Milenko and Zorančo 2020; Wagner 2023) propose integrated border management as a concept that meets all the mentioned criteria. The concept is also applied in countries on the Western Balkan route, including the Republic of Serbia (Milenko and Zorančo 2020). It is based on the cooperation of all border agencies, within the agencies, between agencies, and at the international level (Marković 2023; Milojević and Janković 2022). In addition to integrated border management, which requires developed international cooperation, some authors have considered bilateral international police cooperation of individual states in securing state borders.

One of the studies (Gwardynski and Zboina 2021) analyzed changes in the efficiency of cross-border operations of the Polish and Czech police forces in the Opole region and the Czech border zone in the period 2015-2018. Research conclusions indicate that cross-border police cooperation is necessary, even at the level of joint patrol operations, which, when properly planned, can contribute to maintaining security in border zones on both sides of the state border (Gwardynski and Zboina 2021). However, it must be considered that all these agencies involved in securing the state border must pay attention to the possibility of corruption in their services and find ways to effectively oppose this negative phenomenon (Jancsics 2019; Janković

and Milojević 2017; Marković and Dostić 2020). Moreover, all border agencies, especially the border police, must be prepared for different ways of illegal border crossing. The use of counterfeit travel documents is the most sophisticated method of illegal border crossing, as it requires the application of advanced technology and significant financial investments (Bogojević and Dostić 2018; Marković 2021).

In accordance with the above, police officers who secure the state border need special equipment and specific specialist training to successfully respond to complex challenges in their daily work (Janković and Milojević 2014; Marković 2021). Such challenges, together with migrations, can be specific tasks, such as border control of radioactive material, that require special knowledge and skills (Petrova and Dojcinovski 2022). New technology has also been used in migration control based on risk assessment in recent years. For example, authors in the Netherlands (Dekkers, van der Woude, and Koulis 2019; Dekkers 2019) analyze Amigo-boras, a system of smart cameras placed on roads near borders, which serves to assess the risk of irregular migration. Before the installation of this system, vehicle stops were solely based on the assessment of a police officer. Since the cameras have been installed, the system analyses the given parameters to assess which vehicle should be stopped, and the information is forwarded to the police officer, who stops the vehicle and further determines whether there are irregular migrants in the vehicle.

THE WESTERN BALKANS ROUTE

The International Organization for Migration characterized Europe as “the most dangerous destination in the world for irregular migrants” and the Mediterranean as “the most dangerous border crossing” (Janković and Todorović 2017, 175). Because of the above, migrants avoid the sea route and opt for a safer one, avoiding the sea route that leads across the Mediterranean Sea. That is why migrants opt for the Western Balkan route, the largest number of them via the route that leads from Turkey through Greece, North Macedonia, Serbia (Böröcz 2021; Janković and Todorović 2017), and the other one from Turkey through Bulgaria to Serbia (Stoynova and Bezlov 2019). Previously, migrants from Serbia most often tried to enter the European Union through Hungary, and when that country firmly closed its border with high fences, migrants first redirected their movement directly toward Croatia (Runcheva Tasev et al. 2023) and later to the same country, but through Bosnia and Herzegovina (Filipović and Čvorović 2022; Galić 2022). Migrants come to Bosnia and Herzegovina from Serbia, but also partly from the other direction: Greece - Albania - Montenegro (Kržalić and Kobajica 2021).

Various studies show different data on the number of irregular migrants passing through their territories. Although the records cannot cover the complete fluctuation of all irregular migrants, they can still help us establish movement trends, movement routes, countries from which migrants come, and the like. The most realistic numbers seem to be those owned by FRONTEX because they are not burdened by everyday political relations in a particular country. Chart 2 shows data on irregular migrants detected at the borders of the European Union who came via the Western Balkan route. It can be observed that the largest number of migrants crossed this route in 2015 and that the number of irregular migrants has been constantly increasing in recent years.

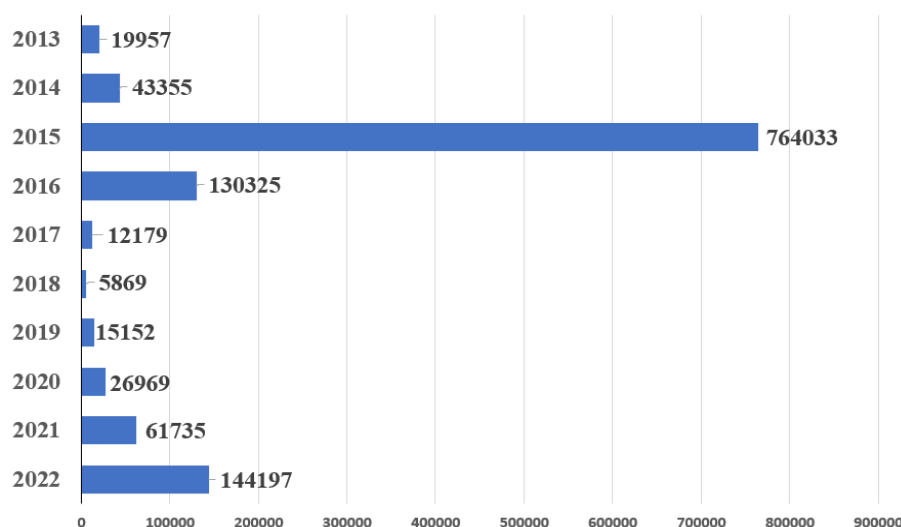


Chart 2: The Number of Irregular Migrants Detected at EU Borders on the Western Balkans Route
(Source: FRONTEX 2023a)

As for the countries of origin of irregular migrants, statistical data show that the largest number of them are from Syria and Afghanistan, countries that used to be or are still at war (Table 1).

Table 1: Illegal Border Crossings on the Western Balkans Route in Numbers (Source: FRONTEX 2023b)

	2014	2015	2016-2019	2020	2021	2022	Total
Syria	7320	90064	8305	16644	38723	79932	240988
Afghanistan	8342	53237	21015	5252	12297	23409	123552
Pakistan	368	17057	11494	291	802	6370	36382
Iraq	421	7424	5365	749	698	1896	16553
Turkey	269	407	2074	155	1652	8836	13393
Tunisia	32	40	182	190	842	6782	8068
India	9	478	302	68	557	6992	8406
Morocco	20	178	1016	635	1249	3117	6215
Bangladesh	274	4356	735	237	453	313	6368
Algeria	40	377	969	232	313	248	2179
Somalia	182	669	417	58	927	429	2682
Albania	501	567	1034	102	123	143	2470
Libya	10	63	345	616	768	299	2101

Of all illegal crossings at the land borders of the European Union, as many as 74% (144,197) of them were detected at the border with Serbia (FRONTEX 2023c). Compared to 2021, this is an increase of about 136%, representing the largest number of irregular crossings of the state border since 2015, when the migrant crisis began. The largest number of irregular migrants who cross the territory of Serbia have chosen Germany as their desired destination country (Milašinović et al. 2024).

CHANGE IN POLICE PROCEDURE IN COMBATING PEOPLE SMUGGLING AND IRREGULAR MIGRATION

In the Republic of Serbia, there is an accepted model in which border security is entrusted to police authorities, in contrast to the earlier military system of state border security (Milojević and Janković 2012b). From 2005 to 2007, the police completely took over border control from the military, after which the civilian security protection of the state border was implemented. Border control is entrusted to the Border Police Directorate (BPD), one of the directorates within the Ministry of Interior of the Republic of Serbia (Mol). Since 2006, the BPD has been functioning as a single and centralized organizational unit of the Police Directorate at the headquarters, hierarchically organized at the central, regional, and local levels (Marković 2023). At the beginning of the migrant crisis in 2015, the other organizational units of the Mol of the Republic of Serbia (Gendarmerie, Police Intervention Units, etc.) sent help in the form of their members. When Hungary closed its borders by building barbed wire fences, it became clear that police forces alone could not adequately stop large numbers of irregular migrants (Janković and Todorović 2017). Therefore, in 2016, Serbia had to engage members of the Serbian Army to assist police units in monitoring the state border with Bulgaria and North Macedonia (Janković and Todorović 2017). After the immigration crisis subsided in 2015 and 2016, border control was returned to the exclusive responsibility of the police.

Proactive actions, the use of modern models and tools for assessing risks and threats from serious and organized crime, intelligence collection of data from the criminal environment, data analysis, and risk assessment, and finally, the use of intelligence products by police leaders in order to make timely and effective decisions about directing human and material resources to combat certain forms of crime aim to reduce the crime rate on a global level (Marković 2019). The monitoring of criminal activities on the international level should be constantly done. New modes of committing criminal acts discovered by the police of other countries are probably already present in Serbia as well. That is why an “early warning” system was established in the BPD, which border police have already applied in all European countries. It ensures a constant exchange of information on a daily basis between the Serbian and the police of other countries in the region (Marković 2022). It was concluded that the risk analysis of border security threats is based on efficient and quick collection and exchange of all relevant data and information. The method of conducting risk analysis is defined by the standard integrated model of risk analysis (CIRAM 2.0), a methodology developed by the European Border and Coast Guard Agency (hereinafter referred to as FRONTEX or Agency), the use of which is mandatory according to European legal regulations (Marković 2023a). In controlling the state border, Serbia, as a candidate for membership in the European Union, closely cooperates with FRONTEX. The cooperation was established in 2009 when the Working Arrangement on establishing operational cooperation was signed (Janković and Cvetković 2016). The cooperation has intensified in the last few years because there has been an increased influx of irregular migrants to EU countries via smuggling routes through the territory of Serbia. Therefore, in November 2019, the Status Agreement was signed between the Republic of Serbia and the European Union on actions carried out by the European Border and Coast Guard Agency in the Republic of Serbia (hereinafter referred to as the Agreement) (Zakon o potvrđivanju Sporazuma o status izmedju Republike Srbije i Evropske unije o akcijama koje sprovodi Evropska agencija za

graničnu i obalsku stražu u Republici Srbiji 2021). The Agreement includes all aspects of cooperation between the two parties necessary for implementing the Agency's actions that may take place on the territory of the Republic of Serbia, whereby the members of the Agency's team may have executive powers. Actions are carried out based on a joint operational plan for each individual joint operation or rapid border intervention. A joint operation with the Serbian border police was started on the Serbian-Bulgarian border in 2021 and was later extended to the Serbian-Hungarian border (Commission 2023). This cooperation aims to control irregular migratory flows, combat cross-border crime, and strengthen European cooperation.

Following the Agreement, team members can perform various tasks. Still, the overall responsibility, command, and control functions are the exclusive competence of members of the police of the Republic of Serbia, who are present throughout the implementation of the task. Team members wear their uniforms while performing tasks and exercising powers. They may carry service weapons, ammunition, and equipment if the national legislation of the Republic of Serbia authorizes them. Team members are also authorized to use coercive means, including official weapons, with the consent of the home EU member state and the Republic of Serbia, in the presence of police officers of the Republic of Serbia, and following the regulations of the Republic of Serbia. They are allowed to use weapons only if it is necessary as a form of self-defense to repel a direct attack directed at them or at another person during which their life or the life of another person is threatened, following the regulations of the Republic of Serbia. FRONTEX signed a similar agreement with other countries on the Western Balkan route of irregular migration of the Balkans - North Macedonia, Albania, and Montenegro.

In November 2022, a Memorandum of Understanding was adopted between the Republic of Serbia, the Republic of Hungary, and the Republic of Austria to strengthen trilateral cooperation in the field of effective combat against illegal migration. Based on this agreement, from 13 January 2023, between 50 and 70 police officers from Austria and Hungary with their equipment were deployed on the border of Serbia and North Macedonia to monitor the state border and combat irregular migration.

In the six years from 2018 to 2023, police officers of the Mol filed criminal charges against 1,371 suspects for committing the criminal offense of illegal border crossing and people smuggling. The largest number of perpetrators, 1120, were citizens of Serbia. Of the foreign nationals, most perpetrators were citizens of Turkey, 40, followed by Afghanistan 18, Syria 18, Romania 17, and Albania 12. In addition, 57% of the suspects were deprived of their liberty; police arrests were applied to 234 persons and detention to 553 persons. Per year, the fewest perpetrators were detected in 2018, a total of 163; from 2022, it ranged to 215. The number of perpetrators of this criminal offense increased significantly in 2022 when 249 were recorded, and in 2023, as many as 417, which is 2.5 times more than in 2018 (MUP 2024). This data indicates specific changes that have occurred in the area of people smuggling in recent years. Several things have changed the police operation on a strategic and tactical level since October 2023. These were the number of detected perpetrators of the crime of human smuggling, many weapons found with smugglers during their arrests or discarded in places where smugglers and irregular migrants stayed before the implementation of police actions aimed at combating irregular migration and people smuggling, as well as the occurrence of armed confrontations between criminal groups that deal with smuggling in the area near the border with Hungary. In addition to regular activities undertaken by members of the BPD along the border line during

border surveillance (patrols, ambushes, use of technical means) and regular activities undertaken by regional police directorates in the area (patrol and operational activities, formation of points for the control of persons and traffic funds, etc.) it was necessary to engage special units. Four remote command posts were formed in order to combat irregular migration, namely: on 29 October 2023, in Subotica to monitor the border with Hungary; on 13 November 2023, in Dimitrovgrad to prevent the entry of migrants from Bulgaria; on 4 December 2023, in Preševo for the security of the border with North Macedonia, and on 29 January 2024 in Mali Zvornik to monitor the border with Bosnia and Herzegovina. The command posts were formed according to the plan of the Police Directorate, with strategic or high-level managers appointed (assistant directors in two command posts, the commander of the Gendarmerie, and the deputy chief of the BPD). Members of various police units of the Police Directorate (Gendarmerie, Special anti-terrorist units, General jurisdiction police officers, Intervention units of the police, traffic police, and others) were under their command, with the aim of coordinated, comprehensive and jointly directed action to combat the smuggling of migrants and irregular migration. We can see that remote command posts were set up successively in different parts of the country. First, the exit to Hungary was stopped, and then the entry from Bulgaria and North Macedonia was prevented. A certain number of irregular migrants who were already on the territory of Serbia tried to cross the border with Bosnia and Hercegovina using smuggling channels; therefore, that area was finally put under increased surveillance as well.

The authors had direct insight into the work of a remote command post (hereinafter referred to as headquarters) located in the city of Subotica. The headquarters controlled a territory of 6,800 hectares along the Serbian-Hungarian border of sandy soil overgrown with dense vegetation. In this area, police officers were faced with many migrants whom the smugglers were trying to bring across the Serbian-Hungarian border. Migrants paid smugglers between 4,000 and 5,000 euros for the journey from Istanbul to the Hungarian border, crossing the border and entering the European Union. Due to the high profits of smugglers, there were often armed conflicts between smuggling groups. Smugglers were connected into well-organized groups; they controlled certain territories through which they transferred migrants to Hungary. The organization of those groups can be seen in the fact that one smuggler had registered 115 different vehicles. Because of the above, the police set up permanent security checkpoints on the access roads to the border, where they controlled all vehicles, especially vans and taxis. Organized groups of Afghan citizens controlled the territory around Subotica, Syrian citizens controlled the area around Sombor, and Moroccans controlled the area around Kikinda. The transfer of migrants was organized through the "Hawala System" (Costantino and Di Nicola 2020; Faith 2011; Leman and Janssens 2018; Schloenhardt 2019). On the Western Balkan route, this practically means that the irregular migrant leaves his money for the smugglers in the office in Istanbul, which is the third independent party. Only when the migrant crosses the Hungarian border or a part of the route shall the smuggler get his money. The migrant does not give the money directly to the smuggler but to the Hawala broker, with whom he agrees a secret code or password. When the migrant crosses the Hungarian border, i.e., enters the Western Europe territory, he communicates the agreed code to another Hawala broker in that country. He reports it to the first broker, with whom the password was agreed at the location where the money was left. It is a sign that the job has been done successfully, and the smuggler/s can take the profits. Due to many migrants, millions of euros are involved in this business.

The Serbian police had to respond effectively to all the activities of the mentioned criminal groups. The newly established headquarters in Subotica was equipped with a certain number of drones with high-resolution cameras, which were recorded clearly even from heights of 1700 meters, and the ability to work in night conditions. When the drone operator spots irregular migrants, he turns on the option to fix facial movements on the drone. During this time, a command is issued to send a certain number of police officers trained for intervention and arrest in the direction of observed migrants to apply police powers (most often: bringing, police arrest, and/or detention). The leader of the action can observe the movement of the migrants and their exact location in a live broadcast on the screen, as well as the exact location of his team members. Namely, the leaders of the police teams in the field had TETRA (TERrestrial Trunked RAdio) radio stations that transmitted the signal to the headquarters (Kujavić, Šuperina, and Magušić 2011), where the leader of the action had a clear view on the map in the form of red dots where members of the police were located, their exact spot within a meter distance always. From the headquarters, in real-time, the leader managed the movement of police officers, issued orders to block travel routes, how to surround the migrants, etc. This allowed irregular migrants to be quickly detected and arrested for violating various legal regulations. The new tactic required greater involvement of police officers, but only when migrants were spotted. By contrast, the engagement of police officers in everyday police activities, such as surveillance of the state border using patrols during all 24 hours, has been reduced. In addition to drones, police officers also used stationary cameras, the so-called hunting cameras, which they masked and placed on trees and thus obtained data in which directions the migrants were moving. After a few days, those cameras would be dislocated. When such persons were found, they were transferred to reception centers located in the south of Serbia. Other newly formed headquarters in Bulgaria, North Macedonia, Bosnia, and Herzegovina acted similarly. The result of the new police tactics after less than 6 months of action, based on publicly available information, was the finding and confiscation of more than 100 pieces of different types of firearms that were in illegal possession of smugglers, most of which automatic and with a huge amount of ammunition. After two months of operations at the headquarters in Subotica, the Ministry of Interior announced that 6,967 irregular migrants, 38 illegal automatic rifles, 13 pistols, and 3,723 pieces of ammunition were found in that area, and more than 100 criminal charges were filed for various serious crimes related to people smuggling, illegal possession of firearms and illegal crossing of the state border (MUP 2023d). Three days after that announcement, an Afghan citizen, a member of an organized criminal group engaged in smuggling irregular migrants, was arrested in the same city. A sniper, two automatic rifles, and 568 pieces of ammunition were found in his illegal possession (MUP 2023c). Several firearms and ammunition were found discarded in the area where irregular migrants and smugglers were staying.

According to the latest information, the Western Balkan route has almost been disconnected with the application of new police tactics. Available data indicates that the number of migrants on this route in the period January-February 2024 and the same period in 2023 decreased by about 65% (FRONTEX 2024). According to the data of the Commissariat for Refugees of the Republic of Serbia, a total of 6 asylum centers and 10 reception centers (KIRS 2024) accommodated 647 irregular migrants on 24 April 2024, which is many times less than in the period before the establishment of remote command posts.

From the beginning of 2024 until the specified date, 6005 irregular migrants were recorded, most of them from Syria and Afghanistan, 71%, and in the same period in 2023, there were three and a half times more, a total of 20,459 (BETA 2024). The reception centers that served to accommodate migrants are almost empty, and the decreasing trend is still evident daily. The strategic approach of the police and the application of an adequate criminal strategy in this area of police work have produced excellent results: efficiency, effectiveness, and economy have been achieved. The above indicators show that irregular migration and smuggling routes through the territory of Serbia have been reduced to a minimum with the use of minimal material and human resources and the application of modern technical means, primarily drones, and thermal imaging.

CONCLUSION

Analysis of the reports of international organizations and countries in the region shows that since the beginning of 2024, there has been a large drop in the number of migrants crossing the Western Balkan route to Western and Central European countries. We can conclude that a prerequisite for success is the use of modern technical means, coordinated, joint work of different police units and management from one center by the strategic level leader directly in charge of combating irregular migration and people smuggling in a particular area (territory) that is estimated to be a hotspot of criminal activities. We believe that it is possible to undertake continuous tactical actions of this intensity, together with the application of an adequate strategy because it does not require the engagement of an additional large number of human and material resources. When making political decisions in the field of security, the principle of economy plays a significant role. The resources invested should be equivalent to the results achieved. Acquiring many modern drones equipped with high-resolution cameras for recording day and night significantly reduces the use of human and other material resources (smaller allocations for monetary compensation of police officers for work in field conditions, daily wages, vehicles, fuel for vehicles, etc.). Saving material resources necessary for the work of the Commissariat for Refugees is also significant because a certain number of reception centers can be closed. Their work is not necessary because if this trend of reducing the number of irregular migrants entering Serbia continues, there will be no need for their presence.

Indeed, the Western Balkan route has not been forgotten by migrants and smugglers. It will continue to be interesting. However, whether migrants and smugglers will use this route depends on state authorities' strategic approach to solving this problem, primarily the police. It should be considered that orders for police engagement are received from political decision-makers, so this factor must also be considered, including the attitude of state officials and the state's policy towards irregular migration. State policy cannot be observed in isolation but must be viewed within a regional and international context.

The police should certainly apply modern work models, primarily the criminal-intelligence model, to constantly analyze and assess risks related to the area of irregular migration so that strategic decision-makers could make a quality decision on the use of police units at their disposal based on the criminal-intelligence product. Apart from police tactics and technical means, which must be constantly improved, geopolitical developments should also be considered. It can undoubtedly be expected that the Western Balkan route will be used by

people from the war-torn areas between Israel and Palestine in the coming period. Also, the countries where migrants will enter the European Union must be considered. Their main route was through Hungary. Since 2023, when Croatia entered the "Schengen zone", more and more migrants have shifted their direction of movement from Hungary to Croatia. During 2024, Romania and Bulgaria partially entered the "Schengen zone", with air and sea borders, while land borders remained outside the mentioned zone. Police units must consider all the mentioned facts and adapt their actions to the newly created situation accordingly.

CRediT AUTHOR STATEMENT

Bojan Janković: writing-original draft preparation, conceptualization, methodology, software, visualization, investigation. **Saša Marković:** conceptualization, data curation, methodology, software, validation. **Aleksandar Ivanov:** writing-reviewing and editing.

All authors have read and agreed to the published version of the article.



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Statement of Human Rights:

This article does not contain any studies with human participants performed by any authors.

Statement on the Welfare of Animals:

This article does not contain any studies with animals performed by any authors.

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Dissecting the Political Landscape of War-Torn Ukraine: Between Internal Challenges and External Threats

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Abstract: *This paper explores the political landscape of war-torn Ukraine, focusing on the country's core domestic problems. The war in Ukraine has led to a significant deterioration of Ukraine's political landscape. While victory on the battlefield is Ukraine's utmost priority, escalating internal problems pose additional challenges. With Ukraine having obtained EU candidate status, these problems have moved to a new level on the EU's membership agenda. The most urgent of these is endemic corruption, which has gained fresh momentum during the war and has put foreign aid at risk. As the costs of the war grow, international pressure on the Ukrainian authorities to show better results increases. Accountability and transparency should become the guiding principles of the reconstruction and recovery processes to maintain Western support and ensure effective postwar reconstruction.*

Keywords: *Ukraine; EU; Corruption; De-oligarchization; Minority Rights; Reconstruction*

INTRODUCTION

The Russian-Ukrainian war has triggered the largest humanitarian crisis in Europe since the Second World War. Besides dramatic casualties and substantial economic losses, the war has also compounded a number of preexisting problems in the country. Endemic corruption, the influence of oligarchs over domestic institutions, as well as frequent discrimination of journalists, activists, and minorities are still in place, with some of them taking a new shape amid the war. All these problems pose a serious threat to effective post-war reconstruction and European integration.

Given the initial estimates of the costs of post-war reconstruction and recovery in Ukraine, this could become the most extensive reconstruction effort in modern history. Leading roles in this process are assigned to the United States (US) and the European Union (EU), with the latter facing serious consequences from the war.

The EU candidate status provided to Ukraine shortly after the outbreak of war made problems facing the country not only an issue of internal politics but also part of the EU membership agenda. Joining the EU could provide Ukraine with a solid institutional framework. On the other hand, in wartime, it will be increasingly challenging to adopt policies that fully meet EU standards for accession.

Additionally, as the costs of the war grow, international donors have become more suspicious of the movement of funds allocated to Ukraine. Addressing the endemic corruption problem has become an urgent topic for Ukrainian authorities as it is essential to maintaining international support.



While there is extensive literature on the Russia – Ukraine war and its repercussions (Abay et al. 2023; Izzeldin 2023; Liadze et al. 2023; Zhou et al. 2023; Tong 2024), there has been less emphasis on the political landscape of war-torn Ukraine.

This research addresses the following questions:

1. What are the major problems surrounding post-Maidan Ukraine's domestic politics, and how has the war influenced them?
2. What are the main features of Ukraine's reconstruction process?

This paper is an in-depth case analysis that uses policy analysis to examine Ukraine's response to internal challenges and external threats.

ON THE POLITICAL LANDSCAPE OF UKRAINE

When assuming presidential powers, President Zelensky's two main promises were to end the war and uproot corruption. According to a poll (2023) conducted by the Kyiv International Institute of Sociology, those are the two goals the Ukrainians want to accomplish more than anything else (USAID 2023).

When war broke out in Ukraine, the country was characterized as an electoral democracy. The country met the minimal criteria for democracy – it held regular competitive elections with universal suffrage – but failed to meet some of the requirements associated with liberal democracy, such as the consistent rule of law (Szostek and Toremark 2023). For years, the country's political landscape had been marred by the strong influence of oligarchy over politics, endemic corruption, frequent attacks against journalists and civil society activists, as well as increasing tensions between religious minorities.

Before 2022, political parties operated freely in Ukraine, except for the Communist Party. However, in May 2022, President Zelensky signed a law banning those political parties that justify, recognize as legitimate, or deny Russian aggression against Ukraine (Freedom House 2023). Eleven political parties have been suspended because of their alleged links with Russia, including the country's largest opposition party, "the Opposition Platform - For Life" party (The Guardian 2022c).

Before that, all of the country's communist parties were banned under the "decommunization" law, which received harsh criticism from the Venice Commission (Venice Commission 2015). It was described as a "dangerous precedent" endangering Ukraine's freedom of expression and association (Amnesty International 2015). Likewise, the law of 2022 was criticized by civil society groups who expressed their concern about a lack of safeguards to prevent bans from being imposed on parties arbitrarily (Freedom House 2023).

Another problem related to political parties has been their funding. Over the decades, the lack of a legal framework made political parties financially dependent on individual donors. Informal (corruption) networks between oligarchs and the political elite, with the former securing economic benefits and, in return, providing political support, formed the basis of their influence (Halling and Stewart 2016, 5).

An attempt to partly address this issue was made in 2015 when the Ukrainian Parliament enacted a law requiring all political parties to submit financial reports to the National Agency on Corruption Prevention (NACP) on their income and expenditures. Most importantly, the law

provided for the transparency of money in politics and significantly reduced the opportunities for oligarchs to influence Ukrainian politics. However, the legal adjustments made by the Parliament, first in response to the pandemic and then to the war, reduced the transparency of money flows in Ukrainian politics by pausing the requirement for parties to submit financial reports to the NACP. In response to this, the International Foundation for Electoral Systems (IFES) in Ukraine called on Parliament to immediately restore political party financial reporting, arguing that it was an essential element on the path towards European integration and in implementing the country's obligations under the UN Convention against Corruption (IFES report 2023).

A positive reform was adopted in 2021, which banned politically connected business magnates, referred to as oligarchs, from funding political parties (Freedom House 2022). Still, the major criticism of the law has been that it might display subjective targeting. Thus, the issue of party financing in Ukraine remains opaque, regardless of the recent laws that regulate it.

Freedom of expression and freedom of the press are two fundamental freedoms particularly vulnerable in conflict. The media can cause national security concerns: they are described as potential tools and targets of attack that can be "weaponized" and as a space where "information warfare" is waged. Governments may try to block the media they consider present a security threat. However, such action should have firm grounds, given the tension between media restrictions and democratic principles of free speech and expression (Szostek and Orlova 2024, 82).

Before the war, the Ukrainian media landscape was characterized by pluralistic features, open criticism of the government, and investigation of powerful figures. Regardless, oligarchs owned and influenced many outlets, making these serve their interests. Access to most Russian news channels, websites, and social media platforms has been banned (Freedom House 2022; Freedom House 2023).

Media concentration is observed mainly in the television segment, which blocks people's access to pluralistic media (European Commission 2023, 7). At the start of the war, the Ukrainian government consolidated all television channels under the unified United News platform (United News Marathon), which offered 24/7 coverage of the war. While the authorities justified this from a national security perspective, journalists and international press freedom groups raised alarms about its impact on media freedom (The New York Times 2022). Concerns about government influence were also raised after several channels run by political opponents of President Zelensky were barred from joining Telemarathon (Reporters without Borders, 2023). As the war enters its third year, critics increasingly question the usefulness and the budget allocated for broadcasting - the state budget for 2024 is more than \$45 million (Voice of America 2024).

In addition, in late December 2022, Zelensky signed into law a controversial bill that expanded the government's control over the media to prevent the potential spread of Russian misinformation. Under the new law, the regulatory body, the National Television and Radio Broadcasting Council, whose members are appointed by the president's administration and by members of Parliament, have broader authority over Ukrainian media organizations and journalists. The authorities can close news sites without a court order, without officially registering them as media (Freedom House 2023).

The lawmakers say this would help to meet the EU standards for membership. Still, journalists and international press freedom groups blame the government for using the membership obligations as a pretext to enhance state control over the press. The European Federation of Journalists called on the government to revise the law, noting that it contradicts the European standards of press freedom because it endangers the independence of the state media regulator, whose members are appointed by the president and the Parliament (International Federation of Journalists 2023).

Additionally, according to the provision that entered into force in January 2022, print media outlets registered in Ukraine must publish in Ukrainian. Publications in other languages must be accompanied by a Ukrainian version. Although this is part of state policy to strengthen national identity, there are not enough guarantees for certain minorities' linguistic rights (HRW 2022).

The new law governing the work of the media significantly tightens state control over it and deprives the national regulator of its independence. Given that media reform is one of the EU's conditions for negotiations on membership, the authorities might need to revise the law by bringing it closer to international standards. While the Russian aggression justifies the measures that the Ukrainian government takes to withstand it, it was not uncommon for the Ukrainian authorities (especially during Petro Poroshenko's presidency) to restrict freedom of expression while invoking as justification the need to counter the Russian military aggression (Reliefweb 2018). Thus, achieving a reasonable balance between freedom of speech and national security is necessary.

CORRUPTION AND DE-OLIGARCHIZATION IN UKRAINE

Since independence, corrupt practices in Ukraine have shaped the rules by which the country has been governed. The country's powerful oligarchs controlled parliamentary blocs, ran television stations, and exerted significant political influence. After the Maidan revolution of 2014, some positive changes, such as police reform and public procurement, but illegal practices continued (De Waal 2016).

Today, it is argued that Ukraine is fighting a two-front war: at an external level - against Russia - and at an internal level - against corruption (Martin 2023). After the war, corruption is believed to be the second major problem in Ukraine. The results of a survey (2023) conducted by the Kyiv International Institute of Sociology (KIIS) with the support of USAID showed that 94% of people in Ukraine see corruption as widespread throughout the country, and more people think it has increased rather than decreased since February 2022 (KIIS 2023). The most severe type of corruption is political corruption, which President Zelensky promised to battle when he took up his post.

After receiving EU candidate status, some positive reforms have been made to fight corruption. In summer 2022, parliamentarians adopted the new National Anti-Corruption Strategy 2021–2025, and in March 2023, the government adopted a State Anti-corruption Program as an action plan for that strategy (Kalitenko 2023, 4). According to Transparency International's Corruption Perceptions Index of 2023, Ukraine increased its anti-corruption score from 33 to 36 out of 100. The country's growth by 3 points is estimated as one of the best results in the world over the past year (Transparency International 2023).

Still, as the war continues, the level of corruption is persistent, and it is gaining a new shape. Not surprisingly, fighting over corruption becomes less of a priority for a country under attack. This, in turn, creates a number of additional corruption risks in post-war states, of which Ukraine might face the following: 1) capacity challenges resulting from the loss of anti-corruption infrastructure and trained staff; 2) lack of political will or, otherwise, the acknowledgment by the post-war government of the urgency of fighting corruption, in addition to all the other reconstruction efforts; 3) legacy of pre-war and wartime corruption; and 4) weak rule of law (Kos 2022, 154-155).

One of the significant drivers of persistent corruption in Ukraine is the dominance of oligarchs in political and economic life. This is an obstacle to Ukraine's socio-economic development and its EU aspirations.

In 2021, Ukraine passed a law on oligarchs as part of President Zelensky's broader "de-oligarchization" program. The new law defines an "oligarch" as anyone meeting at least three criteria: political influence, media holdings, economic monopolies, and minimum total assets of around \$100 million. The president of Ukraine's National Security and Defense Council will decide who qualifies as an oligarch and place the names on a national register (The Washington Post 2022). The major criticism of the law is its potential to be misused to target political opponents or their supporters (RFE/RL 2023). Furthermore, it is argued that the law does not consider the division of powers, with the Security Council now endowed with unprecedented power (Minakov 2023, 150). The Venice Commission also concluded that the law has a "personal approach", a "potential of being misused for political purposes", and it "cannot be seen as a democratic response to the scourge of oligarchization" (Venice Commission 2023, 16).

The war has naturally weakened the role of oligarchs due to the ceasing of political rivalry and the economic impact of the war on the oligarchs. Still, experts argue that only after the war will it be possible to determine whether or not their influence diminished (The Guardian 2022b). Amid the war, the priority for oligarchs was not politics but the maintenance of their assets and wealth.

Thus, despite some positive reforms, there is room for further improvements. Corruption is gaining a new shape in wartime, and it might put foreign aid at risk. While the war is ongoing, it will be challenging for Ukrainian authorities to run an effective anti-corruption policy. However, discontinuing this policy might cause additional dangers in the post-war period.

THE STATE OF MINORITIES

Another condition for Ukraine to start negotiations on EU accession is related to the law on national minorities. In this regard, a positive step was the adoption of the amendments to the law of national minorities in August 2023, considering the expert assessment of the Council of Europe. The changes refer particularly to the use of national minority languages, except for the language of an "aggressor country", specifically the Russian language (The Kyiv Independent 2023).

The rights of religious minorities are generally respected in Ukraine, but smaller religious groups continue to report cases of discrimination. This mainly refers to the members of the Ukrainian branch of the Russian Orthodox Church (UOC), one of the country's two major Orthodox churches. Since the start of the war, the Security Service of Ukraine has searched

hundreds of UOC churches and opened criminal proceedings against dozens of UOC clergy for collaborating with the Russian authorities and spreading pro-Russian propaganda (USCIRF 2023, 73). The UOC is historically tied to Moscow, but in May 2022, it declared its complete independence from Moscow, and since the start of the war, it has repeatedly expressed its loyalty to Ukraine (National Catholic Reporter 2023).

In addition, in October 2023, the Ukrainian Parliament gave preliminary approval to a law that would ban the minority UOC for its alleged collaboration with the Russian military (Reuters 2023a). Shortly afterward, President Zelensky ordered his Cabinet of Ministers to submit a bill to Parliament that would ban the activities of “religious organizations affiliated with centers of influence in the Russian Federation to operate in Ukraine” (USCIRF 2023, 73). The law in progress has been harshly criticized for non-compliance with the European Convention on Human Rights and Ukraine’s constitution. UN officials stressed that “all people in Ukraine have full freedom to manifest and practice their religion or belief”, and “lawmakers must clearly define the legitimate aim of the proposed restrictions and ensure their necessity and proportionality” (UN Press 2023).

Thus, the situation with minority rights, particularly the religious minorities, remains complicated. If passed into law, the authorities should provide clear justification for the new bill allowing a ban on the activities of the UOC. Otherwise, it might seriously affect the country’s entry into the European Union.

ON UKRAINE’S RECONSTRUCTION

Unlike reconstruction after a disaster, reconstruction in conflict zones often occurs during the conflict. Governments launch the reconstruction and rebuilding process as soon as affected areas are recaptured and secured (US Government Accountability Office 2023).

Rebuilding Ukraine may cost more financially than the war itself. The country has already suffered levels of damage not seen in Europe since World War II (Michael Jenkins 2023). Thus, it is assumed that the post-war reconstruction of Ukraine may be the largest and longest reconstruction process in modern history. As of spring 2023, the World Bank estimated that the cost of Ukraine’s reconstruction and recovery would be US \$411 billion (The World Bank 2023).

Ukraine’s reconstruction efforts are supported worldwide, with a significant share coming from the EU and the US. Rebuilding Ukraine is believed to be a partnership between the US and Europe, with the US leading the security matters and the EU leading the economic recovery, especially in the light of the accession talks. At the same time, the US should stay deeply involved in the economic domain and Europe in the security domain (Ries and Shatz 2023).

The war in Ukraine harmed Europe in many ways. It has significantly reduced the economic growth of Europe and aggravated inflation across the continent. Nevertheless, as the European officials put it, “the EU’s solidarity with Ukraine is unshakeable, even as European citizens shoulder the lion’s share of the economic and humanitarian costs of this war” (Delegation of the EU to the US 2024).

So far, the EU and its Member States have made over \$96 billion available for Ukraine in financial, military, humanitarian, and refugee assistance, with this number growing constantly (Ibid). In January 2023, the EU established a multi-agency donor coordination platform and, six months later, the Ukraine Facility, an instrument designed to provide predictable financial support for Ukraine over the 2024-2027 period (European Commission 2023b). Additionally, the

EU is interested in Ukraine's future integration into the EU's defense system: "As we look to the future, we must think of Ukraine's defense capabilities as part of our own defense capabilities. We must think of Ukraine's defense industry as part of our own defense industry" (European Commission 2024).

In light of Ukraine's reconstruction, some politicians and analysts have called for a "Marshall Plan" for Ukraine, modeled on the US program to rebuild much of Western Europe following the Second World War. Besides the financial aspect, proponents of a Marshall-type plan argue that it would also benefit Ukraine's democratic development and ambitions to join the European Union (RFE/RL 2022).

Ukraine has been seeking EU membership since the "Orange Revolution" of 2004 and more enthusiastically since the 2013-14 Maidan protests; however, before the war, EU membership was off the table for a country plagued by corruption (The Guardian 2022a). However, the aggression against Ukraine has changed the 'EU's calculus about the costs and benefits of admitting new states to the union' (Besch and Ciaramella 2023). The EU candidate status granted to Ukraine four months after President Zelensky described the war as "a victory of Ukraine (...) a victory that motivates, inspires and strengthens" (Reuters 2023b).

The prospect of EU membership is directly linked to Ukraine's post-war reconstruction. Access to the world's largest single market, the EU's financial resources, and development assistance might significantly ease this process. No less important, the membership would bring Ukraine close to a broader community of democratic nations committed to human rights, the rule of law, and good governance (Perrota Berlin 2023, 7).

On the other hand, membership requires that any prospective member state meet specific political and economic benchmarks before joining the Union. This will be a long and challenging process for the Ukrainian authorities, who now prioritize victory on the battlefield.

At present, Ukraine could be described as an aspiring democracy that is at war. It does not currently meet the criteria for electoral democracy or liberal democracy, as these terms are used in political science. It has a level of media control incompatible with democracy in peaceful conditions (Chatham House 2023). There is also the longstanding problem of corruption, one of the major concerns about the billion-dollar funds connected to reconstruction. Not surprisingly, four of the seven initial recommendations for candidacy status are linked to anti-corruption reforms (Perrota Berlin 2023, 7).

International aid has a track record of breeding inefficiency and corruption in countries with fragile institutions (GIS Report 2023). In post-war states, actors inside or outside the country always seek to take advantage of the emergency. This causes a rise in the level of corruption, which, in turn, puts foreign aid at risk. Therefore, as the country urgently needs foreign aid, the authorities must prove that the funds serve their purpose.

Amid the war, two high-ranking Ukrainian officials have been suspected of embezzling funds involved in the procurement of humanitarian aid (Martin 2023). Although President Zelensky announced the dismissal of all officials in charge of corruption (CNN 2023), this incident significantly undermined the confidence of foreign donors (Politico 2023). Immediately after this, the White House introduced a list of reforms that Ukraine should implement to continue receiving US financial assistance and move towards EU integration.

The reforms focus on the functioning of the Supervisory Boards of state-owned businesses, anti-corruption bodies, the High Council of Justice, and the judiciary in general

(Ukrainska Pravda 2023). These are also requirements for EU membership and benchmarks for the IMF. As the US special representative for Ukraine's economic recovery puts it, "Ukraine and its Western supporters must ensure that recovery takes place in line with international best practices, including reforms that bake transparency and accountability into the effort. So reform and recovery go hand in hand" (Financial Times 2023).

Thus, regardless of the moral justification for international support to war-torn societies, international aid might create new opportunities for corrupt behavior. In this context, an accountability-based approach from the party receiving foreign aid becomes a must. The principles of transparency and accountability should guide the recovery process of Ukraine; otherwise, it risks undermining foreign assistance.

CONCLUSION

On top of the immediate challenges caused by the war, Ukraine needs to tackle several other problems compounded by the war. Wartime measures on security and defense are not always in compliance with international standards.

The war has accelerated anti-corruption reforms in Ukraine, but significant drivers of corruption remain. The new anti-corruption and de-oligarchization laws often contradict the principle of political pluralism and can be misused for political purposes. The cessation of political rivalry and the economic consequences of the war have curbed the power of oligarchs, but only after the war's end will it be possible to identify whether or not their influence has diminished.

The situation for journalists remains precarious. The new laws significantly expand state control over the media, endangering international freedom of the press and expression, and moving Ukraine a step away from EU standards.

The war has also toughened the situation for smaller religious minorities, particularly the followers of the Ukrainian branch of the Russian Orthodox Church. If passed into law, the lawmakers must clearly define the legitimate aim of the proposed restrictions on religious minorities; otherwise, these might seriously affect the country's entry into the EU.

All these problems pose a serious threat to effective post-war reconstruction and European integration. Naturally, Ukraine now prioritizes victory on the battlefield, but sidelining all other problems might bring further challenges in the post-war period. Additionally, discontinuing anti-corruption and de-oligarchization policies might undermine international support. As reconstruction costs grow, international donors increasingly express concerns about financing Ukraine without solid oversight. Thus, Ukraine's reconstruction process must be rooted in ensuring transparency and accountability; otherwise, it might put foreign aid at risk.

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The Changing Conceptual Landscape of the Russian War in Ukraine (2014-Present) and Syria (2011-Present)

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Abstract: *The main goal of this paper is to present and compare the main developments in the Russian wars in Ukraine and Syria by considering the main patterns, parallels, and changing trajectories that could shed more light onto both of these war zones, which are highly interlinked due to Russia's leading role in both. It analytically, comparatively, and contemplatively approaches those developments by highlighting multiple similarities and the main differences in global responses to these conflicts. Both conflicts should be seen as highly unpredictable, dynamic, and unnecessarily extended asymmetric proxy wars in which global powers test their new military doctrines and their competitors' responses to their unconventional actions and other unsolicited and indirect interferences in the local dynamism of both wars. Unlike in Syria, the Ukrainian war zone is wholly transformative and ready for the adoption of partial hybridization and the utilization of the new software-defined warfare in combination with conventional weapons.*

Keywords: *Ukraine; Russia; War; Syria; International Relations; Conflict Management; Warfare*

INTRODUCTION

Contemporary conflicts change at breathtaking speed, yet the tools, methods, theories, and paradigms we use to capture and adequately describe these developments may not be available. "Civil war" and "humanitarian intervention" are prime examples of standard terms with such strong negative connotations that scholars avoid using them. Another example is the ideas of Balkanization and Finlandization, which, from a historical perspective, were useful but, after 2023, lost their original meaning. Surely, Brzezinski would think twice before writing about the Balkanization of the Middle East to add a pejorative meaning to these descriptions. Today, almost all Balkan countries are in NATO or the EU, while Finland and Sweden were recently admitted to NATO. However, some academics use those terms despite their connotations, emphasizing the competition between two superpowers locked in a Cold War military arms race that chose to avoid confrontation and used indirect proxy wars (Brzezinski 1997; Yiğit 2024).

This is just the tip of the iceberg, and the purpose of this paper is to change the narrative about the conflict in Ukraine by changing the way we approach IR theory itself, simply because the war in Ukraine (like the war in Syria) is not a conventional war between two parties. Its nature and internal dynamics have been constantly changing. To address this issue effectively, I propose launching a genuinely interdisciplinary debate comprising various themes from political philosophy, IR theory, social ontology, security studies, and just war theory to situate the current discussions on the ethical dimension of software-defined warfare. We need to approach those issues in the most holistic manner possible, for the war in Ukraine proves that humanity persists



in initiating wars despite their inherent immorality. It also proves that with few exceptions, the international community struggles not only to prevent wars but also fails to encourage the parties involved to adhere to *jus in bello* (justice in war) principles (Pietrzak 2023a; Shah 2024).

This paper is the result of almost two decades of careful research into the conflicts in Ukraine and Syria, which has helped to capture various nuances and similarities. These highlight several exciting developments and patterns that could be useful to both experts and new adepts of IR theory and conflict management. These findings are shown in a new light that could save countless hours of research.

The primary focus of this analysis is the evolving nature of the conflict in Ukraine, which presents a compelling case for instigating the sixth great debate in IR theory. This paper suggests that the discussion should be kept primarily within the constraints of conflict management and conflict resolution endeavors, as these offer the most promise for reevaluating established paradigms and methodologies and challenging unhealthy dogmas and dysfunctional and inapplicable theories in an ongoing confrontation.

Generally, our work is to avoid speculating as to what will happen while finding the best way to describe such a complex conflict. To do so, IR scholars usually employ selected approaches to the theory of international relations, which can equip us with many relevant approaches to developments, dimensions, and methodological contradictions. These can present any issue from a realist, liberal, feminist, constructivist, postcolonialist, or rationalist perspective.

In such projects, we need to supplement our conceptual efforts with a wide array of theoretical foundations, methodologies, fields of inquiry, and knowledge from international law, political geography, military studies, foreign policy, conflict resolution strategies, disaster management, defense, peacebuilding processes, diplomacy, and political philosophy that can help us to envision applicable solutions to ongoing conflicts. Various philosophical approaches can equip the modern decision-maker with an open-minded paradigm that contributes to any deliberations with both speculative and creative functions, highlighting many significant developments in contemporary conflict resolution strategies and filling in temporary knowledge gaps on events that have not yet been adequately described in the literature.

METHODOLOGY

Michael Oakeshott once astutely pointed out that the convergence of theory and practice is an indispensable consideration in scholarly pursuits, which means that we need to have a solid theory to properly understand all the practical aspects of policymaking, decision-making, and global politics in general (Oakeshott 2001). In this respect, we should rely on Christopher S. Collins et al., who follow Oakeshott's advice in "The Central Role of Theory in Qualitative Research". They suggest that we rely on something other than a static theory that struggles to adjust to the ever-changing landscape of our scholarly pursuits. We need to embrace these developments. This short research paper is a testimony to the fact that utilizing a comparative method qualitatively makes sense. Ultimately, by following Przeworski and Tenue's (1970) suggestion that it "is most effective when examining countries with similar characteristics, as fewer differences allow for a more rigorous study design", we hope to employ this method not only to "identify similarities between two or more subjects" but also to supplement these

comparative endeavors with a holistic approach that utilizes the experiences of leading scholars from such diverse disciplines as international relations theory, international law, geopolitics, geoeconomics, conflict management, and political philosophy (Bhaskar 1978, 1979; Pietrzak 2023e, 2024c, 2024d; Pinto and Martins 2001; Wendt 2006).

The prevailing notion in the literature is that social science can gain significant advantages by adopting an ad hoc comparative method (CM) to highlight essential aspects of two or more ongoing confrontations of regional or global significance. A well-implemented comparative analysis offers a unique opportunity to assess the applicability of various theories in given circumstances by highlighting both specific and holistic modes of analysis to capture any given phenomenon. Such a method promises profound insights into the intricacies of modern conflicts by using the best narrative to illuminate pathways toward comprehension and resolution, for every conflict has to end (Sartori 1991).

In his “Theory of Democracy Revisited, Part One: The Contemporary Debate” (1987), Sartori also points out that CM is not without its shortcomings, and its potential limitations are manifold: conceptual stretching (emphasizing the danger of applying broad and imprecise concepts across different cases without considering their contextual specificity), a lack of precision that may lead to various misclassifications (due to differences in definitions and the operationalization of concepts), the equivalence problem (researchers must ensure that the concepts and measures used are equivalent and meaningful in different contexts to adjust concepts to fit the specific attributes and nuances of each compared case), context sensitivity (researchers must be aware of the historical, cultural, and social contexts of the cases they study, and ignoring these contexts can lead to inappropriate generalizations and flawed comparisons), the ladder of abstraction (which relates to conceptual stretching and that researchers should carefully navigate between high levels of abstraction, broad concepts that apply to many cases but with less specificity, and low levels of abstraction, narrow concepts that apply to fewer cases but with greater detail), case selection (to avoid selection bias, select cases based on theoretical considerations rather than convenience or the availability of data), rigorous measurement validity (to accurately capture the concepts they intend to study), and standardizing measurements and scales (differences in how variables are measured and scaled across cases can lead to inconsistencies and inaccuracies in the analysis). Sartori believed that addressing these flaws is possible although challenging, even in the social sciences (Sartori 1987).

In this paper, CM is complemented with *in statu nascendi* ontology to consider the contextual specificities of both conflicts from a different perspective. This approach delves into ongoing conflicts’ complexities, fluidity, and unpredictability. It navigates between high levels of abstraction (broad concepts that apply to many cases but with less specificity) and low levels of abstraction (narrow concepts that apply to fewer cases with greater detail) to ensure that the concepts and measures used are equivalent and meaningful in different contexts. This adjustment helps avoid selection bias by selecting cases based on theoretical considerations rather than convenience or data availability. Moreover, it aids in identifying differences in how variables are measured and scaled across cases, thus preventing inconsistencies and inaccuracies in the analysis. By addressing these issues, we aim to derive lessons from the analysis in a more contemplative manner.

In this respect, ontology *in statu nascendi* suggests that IR theory should not be used as a helpful catalog for the methodological cherry-picking of the most popular ideas, theories,

paradigms, and approaches but instead should be used in a much more comprehensive, holistic, and contemplative manner that includes the element of constant change in the circular stream of becoming. It gives special attention to attaining broader clarity, accountability, and pluralism that thrives in situations requiring flexible adjustment to convey particular unpredictable trajectories, which are not evident initially. By scrutinizing the ontological foundations of conflicts in a more contemplative, albeit at times lengthy, manner, we can glean insights into their evolving nature and their current stage, which in turn foster a deeper understanding of the situation on the ground in the context of regional and global dynamics (Kavalski 2007, 435-454; Pietrzak 2024abcde).

THE CHANGING NATURE OF THE CONFLICT IN UKRAINE

The global architecture of power is profoundly anarchic, and there is evidence that the incentives to wage wars remain more potent than the sanctions meant to prevent countries from waging wars (Mearsheimer 2014). The war in Ukraine is not a static, single-dimensional confrontation between just two parties supported by their allies. It could be seen as a full-blown war of aggression; for the majority of 2022, it was mostly on Ukrainian territory, but by the beginning of 2023, it had become a war of attrition by both sides to wear down their enemy by continuously attacking their forces and equipment until they become exhausted and cannot continue. Still, as much as the last two years have been intense, Russo-Ukrainian tension dates back to Russia's 2014 annexation of Crimea and the subsequent war in Donbas. Those tensions were triggered by Russian interference in Ukraine's internal affairs (Yigit 2021).

Those hostile acts followed the Primakov doctrine, which advocated hybrid active attempts to destabilize Ukraine by using the Russian-speaking people there in a broader strategy of confrontation aimed at restoring Russian domination and hegemony at any cost. Some of those actions were benign, but the majority aimed at instigating an unprecedented, unpredictable, and uncontrollable series of events to intimidate Ukrainians. Those actions were used to cause chaos, mayhem, the disintegration of Ukraine, its abrupt replacement with several political units, and the subsequent annexation of those territories into Russia under the pretense of an alleged pre-existing unspecified, unverifiable political will to join the Russian Federation declared by an alleged majority of the Russian-speaking people in certain Ukrainian territories in the south and east of the country (Cohen 1997; DeLong 2020; Primakov 1979 and 2004; Rumer 2019). The annexation of Crimea should be seen not as a cause of the problem but as an early culmination of various sociopolitical upheavals in Ukraine from 2004 (the Orange Revolution) to February 2014. In 2013, protests erupted due to President Yanukovich's refusal to sign an EU Association Agreement and choice to pursue closer ties with Russia. Despite harsh winter conditions, pro-Western protesters (representing most of the country's population) gathered at Independence Square in Kyiv to demand Yanukovich's resignation. Yanukovich's violent reaction, backed by the Kremlin, resulted in hundreds of civilian casualties and thousands of political arrests. Eventually, Yanukovich fled the country, but his departure did not end the state of emergency; it triggered unexpected political upheaval (Yigit 2023).

The new Ukrainian government did not do enough to investigate the massacre of more than 60 Russian-speaking Ukrainians in Odesa in 2014. It failed to stop the civil war in the east, escalating tensions in the east and south of the country (Amos and Salem 2017). Ultimately,

Yanukovich's departure, a popular move, temporarily halted further abuse of the pro-Western majority of the population by the Russian minority. However, it caused further instability, destabilizing the situation of the Russian-speaking minority, especially after they lost their political representation. This situation gave them every reason to expect some form of retaliation from those who had been victims. Despite being a minority in the country, pro-Russian factions had sought to control the political decisions of the pro-Western majority Western Ukrainian speakers since 1991 and vigorously sought to prevent them from pursuing their transatlantic aspirations even before the 2004 Orange Revolution (Dickinson 2020).

IR scholars should not hesitate to describe the sociopolitical situation in Ukraine from 2014 to 2022 as a civil war, even if it seems inappropriate to some. Although this term is controversial, it is descriptive and not offensive, given the circumstances. The ontological meaning of this term indicates that the nature of this conflict from the very beginning was not that of a traditional war, for it started without a declaration of war (the term hybrid warfare was used later) and without a single bullet being fired by the Russian Spetsnaz, the so-called "Little Green People," equipped with military-style uniforms without visible identifying insignia, who landed in Crimea, which Russia annexed.

Russia even denied having anything to do with this operation, even though everyone knew that the little green men came from Russia. Still, officially, they were there to protect the Russian minority from purely hypothetical harm; for years after, the conflict was framed not strictly as a confrontation between Ukraine and Russia but as between the Ukrainian-speaking majority and the Russian-speaking Ukrainian minority whom Russia supported. The use of the term civil war is not pejorative; it simply better describes the nature of the political choices made at that time by the groups who were influenced by factors beyond their language, ethnic identity, cultural differences, and nationality. In this context, it is essential to note the occurrence of the broken sense of political belonging of some groups to a broader community that could have acted as a triggering factor, leading certain groups to escalate the confrontation.

Since 2014, Russia has accused Ukraine of the genocide of Russian speakers in the Donbas region; Russian President Vladimir Putin cited this propaganda to justify the Russian invasion of Ukraine, a large-scale escalation of the Russo-Ukrainian War.

Following the invasion, Ukraine brought a case before the International Court of Justice (ICJ) concerning Russia's military activities in Ukraine. During the proceedings, the ICJ found no evidence to support the Russian accusation of genocide and ordered Russia to "immediately suspend the military operations" of the invasion (MENA Report 2022). Further reports by 30 legal and genocide scholars warned that Russian accusations against Ukraine are part of the "accusation in a mirror" technique, ultimately revealing Russian incitement to commit genocide against Ukrainians. Accusation in a mirror "is a technique where one falsely attributes to one's adversaries the intentions that one has for oneself or the actions that one is in the process of enacting" (Marcus 2012, 357-359; Pietrzak 2022a).

The early stage of the conflict in Ukraine, from 2014 to 2022, had very little to do with a traditional confrontation between countries, either from a military or policymaking perspective; on the military level, there are many similarities between the war in Ukraine and the conflict in Syria. Just as in Syria in 2013, the situation in Ukraine in 2024 dominates international media headlines, overshadowing other regional and global events (Pietrzak 2019).

Despite conflicts in Ethiopia, South Sudan, Mali, Cameroon, Nigeria, Honduras, Haiti, Somalia, the Democratic Republic of Congo, Israel, and Nagorno-Karabakh, global media outlets focus on the scale of destruction, abuse, and dehumanization in Ukraine, much as the Syrian Arab Spring was portrayed in 2013. These conflicts have produced a similar scale of human suffering, destruction, and instability, and they have also become proxy wars involving various agents operating in both theaters of war. The most notable difference is that the Free Syrian Army, which tried to oust Bashar al-Assad, was never recognized as a legitimate party or a state actor and, most probably for this reason, received only a tiny fraction of the Western support that is today offered to the embattled Ukrainian regime. Both the Free Syrian Army in Syria and the Ukrainian government in Ukraine fight against authoritarian regimes; the FSA fought against Assad, whom the Russians supported, while the Ukrainians directly fought the Russians (Pietrzak 2023b).

The way these authoritarian regimes wage their wars leaves much to be desired. Assad used indiscriminate warfare against his opposition, while the Russians used similar counterinsurgency methods in their campaign of conquest against Ukrainian cities, towns, and millions of civilians. While the Assad regime used chemical weapons for defensive purposes against the approaching Free Syrian Army near Damascus in 2013, Putin unleashed a campaign of conflict-related sexual violence and abuse of civilian populations for offensive purposes in what was planned as a blitzkrieg on the outskirts of Kyiv in the first days of the Russian invasion in March and April 2022. These events linked Assad's and Putin's regimes to war crimes against civilian populations. Also similar is that in 2013 and 2024, global audiences have become tired of the predictable stream of information from Syria and Ukraine. More often, they show a tendency to stay on the sidelines. In Ukraine, the generous equipment donations by Western countries in 2022 and 2023 arrived with a massive delay, while the Russians have crossed Western red lines with impunity (Mohnblatt 2022; Pietrzak 2019, 2021, 2022).

Under such circumstances, writing about the Ukraine conflict requires immense patience, perseverance, and attention to detail. It has been over ten years since the annexation of Crimea and more than two years since its escalation into a full-blown war. Thousands of articles have been written, but there is a sense of saturation with the material simply because we do not find the answer to the one fundamental question of the war. This war is a different conflict for each set of parties involved. For Ukrainians, it started as a defensive war, but now they are no longer merely seeking to end the conflict; they are striving to end Russia's influence in their country and Eastern Europe by extension, and they are determined to join NATO and the European Union because this is the only guarantee of their objective (Pietrzak 2024d, 133). They are led to believe that winning this war will secure their membership in NATO and the EU. From the perspective of the West, this expectation must be met on this occasion. Failing to fulfill promises made to the Ukrainians risks compromising their values by overpromising and underdelivering, just as in 2014.

This means that it is impossible to mitigate the hostilities between both parties and their allies, which is why it is predicted that the war in Ukraine will not end soon. This is not what civilian populations in the affected territories or military service members want to hear, for the current deadlock makes it difficult for either side to secure any significant strategic advantage.

Different considerations than those of democracies drive authoritarian regimes, but they are consistent. Sadly for Ukraine, Putin, who was just reelected, is not going anywhere; he is the

most decisive Russian leader in generations and thinks he has a special responsibility to rebuild Russia's international prestige as one of the most unpredictable international actors. This may cause great fear in Poland, the Baltic states, and Ukraine, as most of his actions are met with international outrage. Still, he is the first Russian leader since Stalin who has single-handedly redrawn hundreds of kilometers of Europe's borders in Ukraine and Georgia and has caused the destabilization of large swathes of the Middle East, North Africa, and even Venezuela, as well as various ex-Soviet countries (Pietrzak 2022a).

Without questioning the motivations of either side, an objective analyst sees that neither is willing to compromise for a straightforward reason: they want to attain all of their goals. Even the most tragic war in human history, the Second World War, lasted only six years. However, neither side is willing to make any concessions and continues to promote maximalist plans. Ukraine demands that Russia withdraw from all controlled territories while Russia insists on the acceptance of its territorial gains. This is not an unusual situation. Gamaghelyan (2017) writes about a similar tendency after the first conflict in Nagorno-Karabakh, where it was more advantageous for both the Azeris and Armenians to continue their war than to end it. A similar situation exists in Korea; Ivanov (2024) speaks here of the transformation of the conflict into a somewhat atypical example of the prisoner's dilemma resembling *Catch-22* and *Squid Game*. Similar situations can be seen in Libya, Somalia, and Israel. Without one side or the other winning the war in Ukraine, we will be forced to deliberate about it for the next fifty years unless, of course, Ukraine and Russia come to a satisfactory accommodation, such as land swaps or agreeing to a civilized way of resolving their tensions.

Common to both conflicts is Russia, which shows a clear desire to extend its influence at all costs, and contrary to popular opinion, when it comes to Syria, this is not a new development. Russia helped Hafez al-Assad preserve power in the country for almost 30 years, and now it has extended the same support to Bashar al-Assad since 2000. This does not mean that this is a reliable alliance for Russia, for the civil war in this country is still raging, with more than 2000 people dying in 2023 alone. Still, Russia's antihumanitarian intervention in 2015 allowed Putin to prove that his *modus operandi* would be effective. We may make an educated guess that without his bold, reckless actions in Syria in 2015 that were ignored by the international community, he would have never dared to invade Ukraine in 2022.

Still, it is also essential to acknowledge that by the end of 2023, virtually every Western political commentator (except John Mearsheimer and his followers) thought that Putin had made a strategic mistake by escalating the conflict with Ukraine. He might have thought he would quickly take Ukraine, but the Ukrainians' exemplary resistance bogged him down. He did not expect that by attacking Ukraine, he attacked NATO's interests and the EU's values, which neither NATO nor the EU are willing to compromise on. Putin can win the war in Ukraine if the Western world ends its support. Russia was surprised by the Ukrainians' will to resist, which significantly strengthened the commitment of its Western allies to preserve Ukrainian statehood. It is undeniable that NATO's and the EU's political, military, logistical, material, and humanitarian assistance allowed Ukraine to defend itself from the aggression of a seemingly much stronger political actor throughout 2022 and prepare for a semi-successful counteroffensive launched in the spring of 2023 (Ilik 2020; Ilik and Karadjoski 2024).

This may not have been possible without the technological support that Ukraine has received from its allies, which ultimately made the conflict zone a testing ground for artificial

intelligence-related warfare. AI has greatly helped change the course of this confrontation. The literature has yet to describe these developments (Mulchandani and Shanahan, 2022; Sprenger 2023).

HYBRIDIZATION OF THE CONFLICT IN UKRAINE

It was supposed to be an easy conquest of a much weaker state for Russia. However, it ended up as a costly quagmire showing the delusions of grandeur of their leader, who has overstayed his welcome at the Kremlin for over a decade. The Ukrainians have shown that they know how to utilize drones and unmanned vehicles to sabotage enemy logistics, military infrastructure, and industry. Their skillful use of network-centric warfare has effectively leveraged Ukrainian numerical disadvantage into an advantage by adopting today's information technology, using robust computer networking of geographically informed and dispersed forces that combine professional soldiers with skilled volunteers ready to utilize various AI advancements on the battlefield (Rosengren 2024).

The question is, can this lead them to a decisive victory against a former superpower? Time will tell, for Russia is also learning fast and has shown remarkable adaptability in integrating advanced warfare technologies. By the end of 2023, Russia had also been able to show an immense capacity to learn from its initial mistakes and adopt better strategy and tactics, catching up quickly and adopting the same software-related warfare methods that Ukraine did, thanks to suicide drones purchased in Iran and used indiscriminately in Ukraine and those that its military has been able to develop and produce domestically (Chulovand Sabbagh 2023; Yaron 2024). Paradoxically, however, this war may be decided not by who has the most sophisticated weaponry but by who has better access to military supplies and ammunition, and the recent developments on the ground suggest that even if Russia runs out of ammunition and military equipment, it can purchase them in North Korea (Eckel 2023), China, and India or produce them independently, which underscores their resilience and resourcefulness. The Russian army can order drones and ammunition from their industry, and the Ukrainians started thinking about such a possibility only in late 2023 when Western support had significantly decreased.

So, in essence, when we use the term hybridization regarding this conflict, we can see it as in the process of creation, not as a war zone inhabited by an army of moral zombies, once considered futuristic and explored in Hollywood blockbusters such as "Terminator" (1984), but a conflict in which a sophisticated technological invention can occasionally give one side an advantage. Still, the other side will likely come up with a completely unexpected retaliation the next day; the determination to inflict an ultimate defeat on the opponent is visible. By extension, when it comes to the war in Ukraine, we can plausibly claim that we are heading towards inevitable revolution towards a point close to the singularity of 2030, where things once deemed impossible are becoming everyday realities in modern warfare, but we simply cannot take conventional warfare out of the equation. Of course, the steady progress towards using some of the most sophisticated modern weaponry, such as artificial intelligence-controlled robot drones, in combat should not be ignored. However, the importance of conventional warfare in modern conflict should not be disregarded. A complete integration of both is still not feasible. While current technological progress has introduced machines capable of autonomous actions in

restricted domains, such as UAVs and cyborgs, they are unable to assert complete control over military operations (Mulchandani and Shanahan 2022; Fontes and Kamminga 2023; Koumparoudis 2024).

Contrary to the opinions of futurologists, the subtypes of AI have yet to be connected, and it is unlikely that they will ever be adequately integrated. Even if narrow AI (weak AI), general AI (strong AI), artificial superintelligence, reactive machines, limited memory AI, theory of mind AI, and self-aware AI were somehow to merge into one, there is still time before artificial superintelligence takes over the chain of command in charge of an army of semi-automated robots, cyborgs, and deadly holograms. For humanity's collective well-being, this is for the best since we still have enough time to take the necessary precautions to prevent such a development, for it could create the threat that rogue regimes will be able to use devices that are dangerously close to an AI-driven super brain (Mucci and Stryker 2023; Mulchandani and Shanahan 2022).

In her recent work "The Weaponization of Artificial Intelligence: What the Public Needs to Be Aware Of", Birgitta Dresch-Langley (2023) suggests that "technological progress has brought about the emergence of machines that have the capacity to take human lives without human control. These represent an unprecedented threat to humankind" (p. 1). A particular ethical dimension has to be considered in this respect (and I will touch upon these considerations in my future work related to just war theory). These new developments in the modern conflict zone also offer opportunities for deepening geostrategic relations across multiple domains within NATO's multilevel governance, particularly between NATO member states (Dresch-Langley 2023).

Dresch-Langley also explains that the use of the term "hybridization" in the Ukrainian conflict cannot be fully justified, given that the confrontation relies on both traditional warfare and machines capable of only partial integration within a broader software-defined domain; conventional methods are still fundamental. It is still a dominant opinion in 2024 that a war cannot be won without armies of tanks, fighter jets, air defense missile systems, and human soldiers, which cannot be replaced by modern drones, cyborgs, or other AI-driven robots, even if they are produced en masse. Our main worry in Ukraine should still be about conventional warfare, for the scale of conventional hostilities between Russia and Ukraine has dangerously skyrocketed in recent months. In this respect, we can also identify examples of these technological advancements used as part of a broader hybrid war strategy in numerous modern conflicts. Examples include the second and third Nagorno-Karabakh wars between Azerbaijan and Armenia (Karwowski and Pietrzak 2023) and China's attempts to assert control over the South China Sea (Hadiyan and Pambayung 2024; Pietrzak 2024e; Yiğit 2024), but this is still work in progress.

When it comes to Ukraine, Dresch-Langley's claim is particularly valid because despite the popular opinion that machines will soon determine the outcome, the hybridization of the conflict in Ukraine is still unpredictable, and all sides are still benefiting from the rapid modernization of their military strategies. They are also preparing for a very long war in which they will try to gain a strategic advantage with offensive and defensive activity, software-defined warfare, drone operations, active measures, and hybrid warfare.

We need to be mindful of this when we continue our work on the main currents of the sixth great debate in international relations theory that was initiated in "Dealing with Regional

Conflicts of Global Importance" (2024) and "Analyzing Global Responses to Contemporary Regional Conflicts" (2024). The sixth debate will likely continue until Ukraine is admitted to NATO or the European Union. The question is whether such an outcome would end this war for good or contribute to its further escalation. The voices of academics who have already taken part in this debate add a unique perspective to the primary current, which revolves around clarity in describing various stages of any given ongoing regional conflict of global importance, which in turn contributes to broader efforts to devise the most applicable solutions to ongoing confrontations and tensions between various countries and non-state actors.

CONCLUSION

The main goal of this paper was to contribute to strengthening conflict management and resolution endeavors by drawing various parallels between the conflict dynamics in Ukraine and Syria. It highlighted various similarities and differences between these conflicts in an analytical and contemplative manner to contribute to the broader debate on the direction and scope of the evolving nature of contemporary conflict management within the context of highly unpredictable, dynamic, and unnecessarily extended asymmetric proxy wars. Both conflicts produce negative economic consequences in their regions and significantly detriment the stability of the global power architecture.

There is a clear link between the intensity of the conflict in Syria and Ukraine, which is related to Russia's presence in this conflict: in Syria, Russia supports an undemocratic regime responsible for crimes against humanity. In Ukraine, at first, Russia supported the members of the Russian-speaking minority against democratically elected pro-Western officials. When this policy failed, it launched a full-scale war against an internationally recognized regime, often resorting to crimes against humanity. Still, without his bold, reckless actions ignored by the international community in Syria in 2015, Putin would have never dared to launch a full-blown invasion of Ukraine in 2022; the Syrian war zone was a testbed for Russia's new military strategy.

Meanwhile, the Western powers unsuccessfully supported the Syrian opposition in their quest to remove Assad from power. They tried to help Ukrainian authorities de-escalate tensions with Russia between 2014 and 2022. When these endeavors failed, they supplied Kyiv with a wide range of traditional weaponry and new software-defined materials. This made Ukraine a testing ground for some of the West's rarest and newest inventions.

Unlike in Syria, the Ukrainian war zone is wholly transformative and more amenable to partial hybridization and the utilization of the new software-defined warfare in combination with conventional weapons. The process is well underway, necessitating a reevaluation of our theoretical frameworks to understand better and manage these evolving dynamics. It is undeniable, however, that those new developments are not as dynamic as is commonly believed. We are a long way before a full hybridized integration of network-centric warfare that would incorporate more sophisticated modern weaponry, integrating artificial intelligence-led robots into every domain of modern war zones; both Syrian and Ukrainian conflict zones show that no war can be won without tanks, fighter jets, air defense missile systems, and human soldiers.

Both conflicts have impacted not only the global architecture of power but also the main currents of IR theory and conflict management strategies, for they have necessitated the further re-compartmentalization of both disciplines in the context of the emerging sixth great debate in

IR theory, impacting various methodological practices in the conceptual frameworks commonly used to convey the emerging dimensions of warfare dynamics more effectively. Still, on the conceptual level, we must remember that while all the analogies mentioned above provide context, they also risk oversimplifying the unique political, cultural, and strategic factors that distinguish each conflict.

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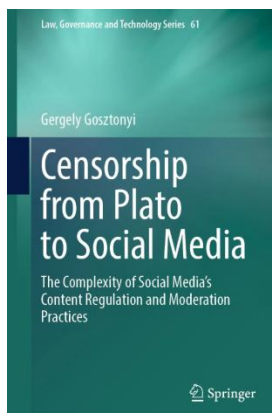
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Censorship from Plato to Social Media. The Complexity of Social Media's Content Regulation and Moderation Practices

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If the question were raised, how many hours we spend on social media every day, either consuming or producing content, we would probably be surprised, even though we hardly ever leave the door without our smartphones. Yet we are blind to the effects we face and the manipulated reality influenced by the economic interests of the market players and the political games that go hand in hand. In his book *Censorship from Plato to Social Media*, Gergely Gosztanyi points out precisely this phenomenon. Still, rather than just focusing on what is happening in the present, he takes us back to the time of ancient Greece, showing that if we look closely, there is nothing new under the sun.

In the introduction, Gosztanyi addresses the problem of the precise definition of censorship, illustrating in an impressive way and with examples that censorship may take many forms in everyday life. As Gosztanyi indicates, it is difficult to draw the line between content regulation and censorship. However, it is sometimes equally difficult to decide whether the misleading or silence of politicians, physical abuse, or withholding of public interest information can be considered censorship. Through the examples presented, it is possible to witness both text-based and visual censorship, demonstrating that even the partial censorship of images can place narratives in a completely new context and influence the audiences. This book aims to provide us with the means to distinguish between the different censorship types and clarify the motivations behind each type. Recognizing and identifying various forms of censorship is essential for protecting fundamental rights such as freedom of expression, promoting diversity of thought, fostering critical thinking, defending against manipulation, and supporting accountability and transparency in society. By understanding the forms and underlying intent of those who impose censorship, individuals may develop a more nuanced understanding of information control and manipulation, enabling them to resist such efforts.



Following the evolution of censorship, Gosztonyi takes us back to the historical roots of censorship and shows that “the brief history of censorship” isn’t that brief at all (Gosztonyi, Gergely. 2023. *Censorship from Plato to Social media*. Cham: Springer Nature Switzerland AG: 21. 1-189). The book provides an excellent overview of the development of censorship, from Plato’s stance on the first printing of books through the international censorship landscape of the 17th and 18th centuries to the present day. Gosztonyi also describes media regulation in a comprehensive study, tracing the path from traditional media to the emergence of Web 1.0 and Web 2.0 and the current efforts to regulate social media. The book provides a better understanding of the different relationships of major powers, such as the US and China, with the media, the functioning of social media platforms, the competing interests behind them, and the impact they have on us through moderation mechanisms. Gosztonyi highlights the challenges posed by the four million gigabytes of content generated daily on Facebook alone (Gosztonyi 112) and, describes technological solutions currently in use and,

In addition to clarifying the theoretical framework, the book summarizes the extensive case law of the European Court of Human Rights (ECtHR) and the Court of Justice of the European Union (CJEU) on content regulation and censorship. In this section Gosztonyi leads the reader from landmark cases (such as the ECtHR’s 2015 *Delfi AS v. Estonia* or the CJEU’s 2010 *Google France SARL and Google Inc. v. Louis Vuitton Malletier SA*) to judgments that are so recent that the ink has barely dried on the courts’ decisions (such as the cases of *Frank Peterson v. Google LLC et al.* and *Elsevier Inc. v. Cyando AG* before the CJEU).

The final chapters are devoted to current events and the relationship between censorship and the author, illustrating with precise data and graphs the Internet restrictions of recent years globally. Thanks to the extensive research of Gosztonyi, the reader may learn more about related events such as the complete internet shutdown in the Republic of Congo in 2021, the blocking of messaging apps in Senegal, and the internet disruption in Armenia amid political unrest (Gosztonyi 2023, 161-162).

Gergely Gosztonyi concludes by outlining the possible directions for the future and argues that the struggle to guarantee freedom of expression has reached a new and exciting stage; however, a framework that combines complex legal, political, and economic aspects is still to be established. The author argues that, alongside political actors, tech companies will significantly influence the vision, and in Chapter 12, Gosztonyi proposes further solutions to this complex problem (Gosztonyi 2023, 172–177).

Although the author states at the beginning of the book that his research is mainly based on human rights (Gosztonyi 2023, 4), – due to the economic orientation of social media platforms and the use of algorithm-based moderation – it would have been interesting if Gosztonyi had also extended his research to include competition and data protection aspects, in particular concerning the EU digital regulation package, and the possible effects of artificial intelligence in the field of online content filtering.

Altogether, the book is not only highly practical and informative, but also has the added advantage that, besides the more and more exciting case law, make it even more readable. Given its wide-ranging nature, this book will greatly assist in identifying the phenomenon and types of censorship, examining the evolution of media regulation, familiarizing oneself with the judicial practice and professional positions that have developed over the years, and understanding them as a whole. In light of all this, in my opinion, Gergely Gosztonyi has

succeeded in creating a book that, in addition to its niche role, provides enjoyable content for both the professional and the general public. I could not conclude with more appropriate thoughts than the author's own words, *"I dedicate this book to [REDACTED], to [REDACTED], and to all the victims of censorship."*